NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT

First3.99

Industrial Code:	**4952**	SPDES Number:	**NY0026239**
Discharge Class (CL):	**05**	DEC Number:	**2-6302-00012/00001**
Toxic Class (TX):	**T**	Effective Date (EDP):	**11/01/2010**
Major Drainage Basin:	**17**	Expiration Date (ExDP):	**10/31/2015**
Sub Drainage Basin:	**02**	Modification Dates:(EDPM)	**11/1/10, 9/1/12, EDPM**
Water Index Number:	**ER (12.3-14.5)**		
Compact Area:	**IEC**		

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et.seq.)(hereinafter referred to as "the Act") and the Water Quality regulations of the Interstate Environmental Commission at 21 NYCRR Part 550.

PERMITTEE NAME AND ADDRESS

Name: **New York City Dept. of Environmental Protection** Attention: **Vincent Sapienza, P.E., Deputy Commissioner**
Street: **59-17 Junction Boulevard**
City: **Corona** State: **New York** Zip Code: **11368**
is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name: **Tallman Island Wastewater Treatment Plant**
Location (C,T,V): **College Point** County: **Queens**
Facility Address: **127th Street & East River**
City: **College Point** State: **NY** Zip Code: **11356**
NYTM -E: NYTM - N:
From Outfall No.: **001** at Latitude: **40** ° **47** ' **49** " & Longitude: **73** ° **50** ' **25** "
into receiving waters known as: **Powell's Cove** Class: I
and; (list other Outfalls, Receiving Waters & Water Classifications)

Additional Outfalls listed on pages 3-4 of this permit.

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1.2(a) and 750-2.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name: **NYC DEP, Tallman Island WWTP**
Street: **59-17 Junction Boulevard**
City: **Corona** State: **New York** Zip Code: **11368**
Responsible Official or Agent: **Vincent Sapienza, P.E.** Phone: **(718) 595-4906**

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

Bureau of Water Permits
RWE
RPA
IEC
EPA Region II - Michelle Josilo
EFC
NYSDOH District Office

Permit Administrator:	
Address:	
Signature:	Date: / /

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I COMBINED SEWER OUTFALL LOCATIONS

TALLMAN ISLAND CSO SPDES OUTFALLS

OUTFALL ID	OUTFALL LOCATION	LATITUDE			LONGITUDE			OUTFALL SIZE	RECEIVING WATER	CLASS	CONTRIBUTORS	BOOM	NET	TELEMETRY
		o	‘	“	o	‘	“							
TI-003	POWELL'S COVE & N/O 7th AVENUE	40	47	37	73	49	42	8' X 7'	POWELL'S COVE	I	REG #10A, 10B			YES (on 10B)
TI-004	EAST RIVER & 151st STREET	40	47	52	73	48	45	72" DIA	EAST RIVER	SB	REG #11			
TI-005	EAST RIVER & 154th STREET	40	47	46	73	48	26	24" DIA	EAST RIVER	SB	REG #12			
TI-006	LITTLE NECK BAY & 24th AVENUE	40	46	55	73	46	14	10' X 7'6"	LITTLE NECK BAY	SB	24 AVENUE P.S.			
TI-007	ALLEY CREEK & NORTHERN BLVD	40	45	45	73	45	7	18" DIA	ALLEY CREEK	SB	OLD DOUG P.S.			
TI-008	ALLEY CREEK & 46th AVENUE	40	45	43	73	45	5	10' X 7'6"	ALLEY CREEK	SB	REG #46, 47, 48, 49			YES (on 46, 47, & 49)
TI-009	LITTLE NECK BASIN & DOUG. BAY P.S.	40	46	3	73	50	16	2' X 8'	LITTLE NECK BAY	I	DOUG BAY P.S.			
TI-010	FLUSHING RIVER & ROOSEVELT AVENUE	40	45	14	73	50	26	3BL 18'6" X 10'	FLUSHING RIVER	I	REG #30, 31, 40, 44	YES		YES (on 30 & 40)
TI-011	FLUSHING BAY & 32nd AVENUE	40	45	56	73	50	22	DBL 8' X 8'	FLUSHING BAY	I	REG #9, 51, 52, 53, 54		YES	YES (on 9)
TI-012	FLUSHING BAY & 29th AVENUE	40	46	18	73	51	1	10" DIA	FLUSHING BAY	I	122ND STREET P.S.			
TI-014	FLUSHING BAY & 23rd AVENUE	40	46	43	73	51	1	12" DIA	FLUSHING BAY	I	REG #7			
TI-015	FLUSHING BAY & 22nd AVENUE	40	46	48	73	51	2	1'3" X 1'10"	FLUSHING BAY	I	REG #6			
TI-016	FLUSHING BAY & 20th AVENUE	40	46	53	73	51	2	60" DIA	FLUSHING BAY	I	REG #5			
TI-017	FLUSHING BAY & 15th AVENUE	40	47	1	73	51	31	12" DIA	FLUSHING BAY	I	REG #4			
TI-018	FLUSHING BAY & 14th AVENUE	40	47	7	73	51	35	18" DIA	FLUSHING BAY	I	REG #3			
TI-019	EAST RIVER & 9th AVENUE	40	47	21	73	51	10	12" DIA	EAST RIVER	I	REG #2			
TI-020	EAST RIVER & COLLEGE PLACE	40	47	38	73	50	59	24" DIA	EAST RIVER	I	REG #1			
TI-022	FLUSHING RIVER & 40th ROAD	40	45	22	73	50	21	7' X 6'6"	FLUSHING RIVER	I	REG #55, 56, 57, 58	YES		
TI-023	LITTLE BAY & CRYDERS LANE	40	47	20	73	47	38	13'6" X 8'	LITTLE BAY	SB	REG #13, CLEARVIEW P.S.			YES (on 13)
TI-024	ALLEY POND & 61st AVENUE	40	45	21	73	44	38	12' X 10' BOX	ALLEY POND	SB	NEW DOUG P.S.			
TI-025	ALLEY CREEK (W) & 400' SOUTH OF LIRR BRIDGE	40	45	51	73	45	10	52'-6"X9'-0"	ALLEY CREEK	SB	Alley Creek CSO Storage Facility			

II MUNICIPAL SEPARATE STORM SEWER SYSTEM OUTFALLS

TALLMAN ISLAND MS4 SPDES OUTFALLS

OUTFALL ID	OUTFALL LOCATION	LATITUDE			LONGITUDE			OUTFALL SIZE	RECEIVING WATER	CLASS	CONTRIBUTORS	BOOM	NET	TELEMETRY
		o	‘	“	o	‘	“							
TI-601	FLUSHING RIVER & NORTHERN BOULEVARD (SOUTH SIDE)	40	45	44	73	50	13	30" DIA	FLUSHING RIVER					
TI-603	FLUSHING RIVER & NORTHERN BOULEVARD (NORTH SIDE)	40	45	46	73	50	13	27" DIA	FLUSHING RIVER					
TI-605	FLUSHING RIVER & 300' W/O WHITESTONE EXPRESSWAY	40	45	59	73	50	28	6'9" X 4'11"	FLUSHING RIVER					
TI-609	EAST RIVER & 121st STREET	40	47	45	73	50	50	36" DIA	EAST RIVER					
TI-610	EAST RIVER & 147th STREET	40	47	52	73	49	29	48" DIA	EAST RIVER					
TI-611	EAST RIVER & W/O 154th STREET	40	47	46	73	48	27	48" DIA	EAST RIVER					
TI-612	EAST RIVER & W/O 154th STREET	40	47	46	73	48	27	48" DIA	EAST RIVER					
TI-615	LITTLE BAY & 9th AVENUE	40	47	34	73	47	43	12" DIA	LITTLE BAY					
TI-616	LITTLE BAY & 12th AVENUE	40	47	29	73	47	43	12" DIA	LITTLE BAY					
TI-617	LITTLE BAY & 12th ROAD	40	47	25	73	47	41	12" DIA	LITTLE BAY					
TI-618	LITTLE BAY & 14th AVENUE	40	47	23	73	47	40	10" DIA	LITTLE BAY					
TI-619	LITTLE BAY & CRYDERS LANE	40	47	21	73	47	39	12" DIA	LITTLE BAY					
TI-623	LITTLE NECK BAY & 28th AVENUE	40	46	45	73	46	7	18" DIA	LITTLE NECK BAY					
TI-624	LITTLE NECK BAY & 35th AVENUE	40	46	22	73	45	50	11' X 3'4"	LITTLE NECK BAY					
TI-631	FLUSHING RIVER & 31st ROAD	40	46	2	73	50	24	54" DIA	FLUSHING RIVER					
TI-633	LITTLE NECK BAY & S/O 17th AVENUE	40	47	10	73	46	28	54" DIA	LITTLE NECK BAY					
TI-634	LITTLE BAY & FORT TOTTEN SOUTH JETTY	40	47	28	73	46	55	18" DIA	LITTLE BAY					
TI-646	EAST RIVER & POPPENHUSEN AVENUE	40	47	25	73	51	10	18" DIA	EAST RIVER					
TI-653	UDALL'S COVE & SANDHILL ROAD	40	45	40	73	45	6	48" DIA	UDALL'S COVE					
TI-654	ALLEY CREEK & 20' N/O NORTHERN BOULEVARD	40	45	48	73	45	7	36" DIA	ALLEY CREEK					
TI-655	ALLEY CREEK - 223rd STREET & NORTHERN BOULEVARD	40	45	52	73	45	6	15" DIA	ALLEY CREEK					

Note: The municipal separate storm sewer system requirements contained in this SPDES permit will be superceeded upon issuance of an individual SPDES Permit that addresses the discharge of stormwater through the municipal separate storm sewer system for New York City.

II MUNICIPAL SEPARATE STORM SEWER SYSTEM OUTFALLS (continued)

TALLMAN ISLAND MS4 SPDES OUTFALLS (continued)

OUTFALL ID	OUTFALL LOCATION	LATITUDE			LONGITUDE			OUTFALL SIZE	RECEIVING WATER	CLASS	CONTRIBUTORS	BOOM	NET	TELEMETRY
		o	‘	“	o	‘	“							
TI-656	FRANK TURNER INLET & 39th AVENUE	40	46	1	73	45	2	36" DIA	FRANK TURNER INLET					
TI-658	LITTLE NECK BAY & 233rd PLACE	40	46	20	73	45	16	40" DIA	LITTLE NECK BAY					
TI-660	UDALL'S COVE - 39th AVENUE & 248th STREET	40	46	23	73	44	39	12" DIA	UDALL'S COVE					
TI-661	LITTLE BAY & 208th STREET	40	47	25	73	47	5	30" DIA	LITTLE BAY					
TI-666	POWELL'S COVE & 9th AVENUE	40	47	24	73	51	18	18" DIA	POWELL'S COVE					
TI-669	FLUSHING RIVER & 15' S/O 31st ROAD	40	50	46	73	51	5	24"	FLUSHING RIVER					
TI-670	FLUSHING BAY & 100' N/O NORTH SHORE M.T.S..	40	47	43	73	51	58	60" DIA	FLUSHING BAY					
TI-671	EAST RIVER & W/O 8th AVENUE	40	47	23	73	51	23	36"DIA	EAST RIVER					
TI-672	FLUSHING BAY & 50' N/O 111th STREET	40	47	1	73	51	32	30" DIA	FLUSHING BAY					
TI-673	FLUSHING BAY & 25th AVENUE	40	46	38	73	50	56	48" DIA	FLUSHING BAY					
TI-674	POWELL'S COVE (W) & 9th AVENUE	40	47	20	73	50	15	18" DIA	POWELL'S COVE					
TI-675	POWELL'S COVE & 131th STREET	40	47	20	73	50	14	72" DIA	POWELL'S COVE					

Note: The municipal separate storm sewer system requirements contained in this SPDES permit will be superceeded upon issuance of an individual SPDES Permit that addresses the discharge of stormwater through the municipal separate storm sewer system for New York City.

III PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
	This cell describes the type of wastewater authorized for discharge. Examples include process or sanitary wastewater, storm water, non-contact cooling water.	This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect. (e.g. EDP or EDPM)	The date this page is no longer in effect. (e.g. ExDP)

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQ.	SAMPLE TYPE
e.g. pH, TRC, Temperature, D.O.	The minimum level that must be maintained at all instants in time.	The maximum level that may not be exceeded at any instant in time.	SU, °F, mg/l, etc.		

PARA-METER	EFFLUENT LIMIT	MINIMUM LEVEL (ML)	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE
	Limit types are defined below in Note 1. The effluent limit is developed based on the more stringent of technology-based limits, required under the Clean Water Act, or New York State water quality standards. The limit has been derived based on existing assumptions and rules. These assumptions include receiving water hardness, pH and temperature; rates of this and other discharges to the receiving stream; etc. If assumptions or rules change the limit may, after due process and modification of this permit, change.	For the purposes of compliance assessment, the permittee shall use the approved EPA analytical method with the lowest possible detection limit as promulgated under 40CFR Part 136 for the determination of the concentrations of parameters present in the sample unless otherwise specified. If a sample result is below the detection limit of the most sensitive method, compliance with the permit limit for that parameter was achieved. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This ML can be neither lowered nor raised without a modification of this permit.	Action Levels are monitoring requirements, as defined below in Note 2 which trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, temperature, or concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly. All monitoring periods (quarterly, semiannual, annual, etc) are based upon the calendar year unless otherwise specified in this Permit.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

Note 1: DAILY DISCHARGE: The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.

DAILY MAX.: The highest allowable daily discharge. DAILY MIN.: The lowest allowable daily discharge.

MONTHLY AVG: The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

7 DAY ARITHMETIC MEAN (7 day average): The highest allowable average of daily discharges over a calendar week.

30 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of : the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

7 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar week.

RANGE: The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.

Note 2: ACTION LEVELS: Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards.

IV PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL NUMBER	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001	[X] All Year [ ] Seasonal from _____ to	East River	EDPM	10/31/2015

PARAMETER	ENFORCEABLE EFFLUENT LIMITATIONS					MONITORING REQUIREMENTS				Foot Notes
	Type	Limitation	Units	Limitation	Units	Sample Frequency	Sample Type	Location Influent	Location Effluent	
Flow, Total	12 month rolling average	80.	MGD			Continuous	Recorder		X	(8)
Flow, Total	Monthly average	Monitor	MGD			Continuous	Recorder		X	
Flow, Total	Daily Maximum	Monitor	MGD			Continuous	Recorder		X	
$CBOD_5$	Monthly average	25	mg/l	17000	lbs/day	1 /Day	24 hour Composite	X	X	(1)
$CBOD_5$	7 day arithmetic mean	40	mg/l	27000	lbs/day	1 /Day	24 hour Composite	X	X	
$CBOD_5$	Daily Maximum	Monitor	mg/l	Monitor	lbs/day	1 /Day	24 hour Composite	X	X	
BOD_5	6 consecutive hour avg.	50	mg/l						X	(5)
Dissolved Oxygen	Daily Minimum	Monitor	mg/l			1 / Day	Grab		X	
Solids, Suspended	Monthly average	30	mg/l	20000	lbs/day	1 / Day	24 hour Composite	X	X	(1)
Solids, Suspended	7 day arithmetic mean	45	mg/l	30000	lbs/day	1 / Day	24 hour Composite	X	X	
Solids, Suspended	Daily Maximum	50	mg/l	Monitor	lbs/day	1 / Day	24 hour Composite	X	X	(4)
Solids, Suspended	6 consecutive hour avg.	50	mg/l						X	(5)
pH	Range	6.0 - 9.0	SU			6 / Day	Grab		X	
Nitrogen, Ammonia (as NH_3)	Monthly average	16	mg/l	Monitor	lbs/day	1/day	24 hour composite		X	
Phosphorus, Total (as P)	Monthly average	Monitor	mg/l	Monitor	lbs/day	2/month	24 hour Composite	X	X	
Phosphorus, Total (as P)	Daily Maximum	Monitor	mg/l	Monitor	lbs/day	2/month	24 hour Composite	X	X	
Soluble Orthophosphate (as P)	Monthly average	Monitor	mg/l	Monitor	lbs/day	2/month	24 hour Composite	X	X	
Soluble Orthophosphate (as P)	Daily Maximum	Monitor	mg/l	Monitor	lbs/day	2/month	24 hour Composite	X	X	
Temperature	Daily Maximum	Monitor	Deg C			6 / Day	Grab		X	
Effluent Disinfection required: [X] All Year [ ] Seasonal from _____ to										
Coliform, Fecal	30 day geometric mean	200	No./100 ml			1 / Day	Grab		X	
Coliform, Fecal	7 day geometric mean	400	No./100 ml			1 / Day	Grab		X	
Coliform, Fecal	6 hour geometric mean	800	No./100 ml						X	(5)
Coliform, Fecal	Instantaneous Maximum	2400	No./100 ml						X	(5)
Enterococcus	Daily Maximum	Monitor	No./100 ml			1/Month	Grab		X	
Chlorine, Total Residual	Daily Maximum	0.47	mg/l	Monitor	lbs/day	6 / Day	Grab		X	(3)
Chlorine, Total Residual	Monthly average	Monitor	mg/l	Monitor	lbs/day	6 / Day	Grab		X	

FOOTNOTES on page 9.

IV PERMIT LIMITS AND MONITORING

OUTFALL NUMBER	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001	[X] All Year [ ] Seasonal from _____ to	East River	EDPM	10/31/2015

PARAMETER	ENFORCEABLE EFFLUENT LIMITATIONS							MONITORING REQUIREMENTS				Foot Notes
	Type	Limitation	Units	Limitation	Units	Action Level	Units	Sample Frequency	Sample Type	Location Influent	Location Effluent	
Chlorides	Monthly average	Monitor	mg/l					2/month	24 hour Composite	X		
Nitrogen, TKN (as N)	Annual Average					15,000	lbs/day	1/year	24 hour Composite	X		(11)
Arsenic, Total	Daily Maximum	Monitor	ug/l	Monitor	lbs/day			1/quarter	24 hour Composite		X	
Cadmium, Total	Daily Maximum	Monitor	ug/l	Monitor	lbs/day			1/quarter	24 hour Composite		X	
Chromium, Total	Daily Maximum	Monitor	ug/l	Monitor	lbs/day			1/quarter	24 hour Composite		X	
Copper, Total	Daily Maximum	Monitor	ug/l	20	lbs/day			1/month	24 hour Composite		X	
Lead, Total	Daily Maximum	Monitor	ug/l	Monitor	lbs/day			1/quarter	24 hour Composite		X	
Mercury, Total	Daily Maximum	50	ng/l	Monitor	lbs/day			1/month	Grab		X	(6)
Nickel, Total	Daily Maximum	Monitor	ug/l	Monitor	lbs/day			1/quarter	24 hour Composite		X	
Silver, Total	Daily Maximum	Monitor	ug/l	Monitor	lbs/day			1/quarter	24 hour Composite		X	
Zinc, Total	Daily Maximum	Monitor	ug/l			35	lbs/day	1/month	24 hour Composite		X	
Cyanide, Available	Daily Maximum	Monitor	ug/l	2.1	lbs/day			1/month	See footnote		X	(2),(9), (12)
Chloroform	Daily Maximum	Monitor	ug/l	Monitor	lbs/day			1/quarter	See footnote		X	(9)
1,4-Dichlorobenzene	Daily Maximum	Monitor	ug/l	Monitor	lbs/day			1/quarter	24 hour Composite		X	(9)
Tetrachloroethylene	Daily Maximum	Monitor	ug/l	2.7	lbs/day			1/month	See footnote		X	(9)
Priority Pollutant Scan	Daily Maximum	Monitor	ug/l					1/year	24 hour Composite	X	X	(7)
WET - Acute Invertebrate						0.3	TUa	Quarterly	See footnote		X	(10)
WET - Acute Vertebrate						0.3	TUa	Quarterly	See footnote		X	(10)
WET - Chronic Invertebrate						31	TUc	Quarterly	See footnote		X	(10)
WET - Chronic Vertebrate						31	TUc	Quarterly	See footnote		X	(10)

FOOTNOTES on page 9.

IV PERMIT LIMITS AND MONITORING FOOTNOTES

(1) Effluent shall not exceed 15 % and 15 % of influent values for $CBOD_5$ & TSS respectively. During periods of wet weather which Causes plant flows over the permitted flow for a calendar day, the $CBOD_5$ and TSS influent and effluent results for that day shall not be used to Calculate 30-day arithmetic mean percent removal limitations. However, all concentrations shall be used in the calculation of the arithmetic mean Value concentration limitations. All other effluent limitations remain in full effect.

(2) Available Cyanide analysis using EPA Method OIA 1677 or equivalent.

(3) An interim total residual chlorine limit of 1.0 mg/l shall be in effect until completion of construction of facilities necessary to achieve compliance with the final water quality based effluent limit.

(4) During periods of wet weather, which results in an instantaneous plant effluent flow that is equal to or greater than twice the permitted flow, the TSS Daily Maximum limit of 50 mg/l shall not apply for the day of measured flow nor for the succeeding day.

(5) This is an Interstate Environmental Commission (IEC) requirement. The permittee is not required to perform this sampling but shall be required to meet the permit limit at all times. EPA, DEC or IEC may perform the sampling.

(6) An interim mercury limit of 100 ng/l is in effect until **EDPM + 3 years** while the permittee implements the mercury minimization program with the intent of achieving the 50 ng/l mercury limit.

(7) The monitoring results for this requirement shall not be submitted on the Discharge Monitoring Reports, but shall be submitted in report form to the Regional Water Engineer, within 60 days of the end of the calendar year. The monitoring results shall be on personal computer diskette, in an Excel spreadsheet, and include the flow for the day the sample was taken. Analysis of 2,3,7,8-TCDD is not required. Sample type for volatile organics shall be a 6 hour composite of 3 grab samples, one taken each 3 hours.

(8) A 12-month rolling average is defined as the average of the current month with the eleven previous months. The 12-month rolling averages shall be calculated using total effluent flow.

(9) Samples shall be collected as a series of 3 grab samples, with one grab sample collected every 3 hours and composited by the analytical laboratory.

(10) Whole Effluent Toxicity (WET) Testing:
Testing Requirements - WET testing shall consist of Acute and Chronic simultaneously. WET testing shall be performed in accordance with 40 CFR Part 136 and TOGS 1.3.2 unless prior written approval has been obtained from the Department. The test species shall be Mysidopsis bahia (mysid shrimp - invertebrate) and Cyprinodon variegatus (sheepshead minnow - vertebrate). Artificial salt water should be used for dilution. All tests conducted should be static-renewal (two 24 hr composite samples with one renewal for Acute tests and three 24 hr composite samples with two renewals for Chronic tests). The appropriate dilution series bracketing the IWC and including one exposure group of 100% effluent should be used to generate a definitive test endpoint, otherwise an immediate rerun of the test is required. WET testing shall be coordinated with the monitoring of chemical and physical parameters limited by this permit so that the resulting analyses are also representative of the sample used for WET testing. The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is 3.1:1 for acute, and 31.1:1 for chronic. Discharges which are disinfected using chlorine should be dechlorinated prior to WET testing or samples shall be taken immediately prior to the chlorination system.
Monitoring Period - WET testing shall be performed at the specified sample frequency during calendar years ending in **5** and **0**.
Reporting - Toxicity Units shall be calculated and reported on the DMR as follows: TUa = (100)/(48 hr LC50) or (100)/(48 hr EC50) (note that Acute data is generated by both Acute and Chronic testing) and TUc = (100)/(NOEC) when Chronic testing has been performed or TUc = (TUa) x (10) when only Acute testing has been performed and is used to predict Chronic test results, where the 48 hr LC50 or 48 hr EC50 and NOEC are expressed in % effluent. This must be done for both species and using the Most Sensitive Endpoint (MSE) or the lowest NOEC and corresponding highest TUc. Report a TUa of 0.3 if there is no statistically significant toxicity in 100% effluent as compared to control.
The complete test report including all corresponding results, statistical analyses, reference toxicity data, daily average flow at the time of sampling and other appropriate supporting documentation, shall be submitted within 60 days following the end of each test period to the Toxicity Testing Unit. A summary page of the test results for the invertebrate and vertebrate species indicating TUa, 48 hr LC50 or 48 hr EC50 for Acute tests and/or TUc, NOEC, IC25, and most sensitive endpoints for Chronic tests, should also be included at the beginning of the test report.
WET Testing Action Level Exceedances - If an action level is exceeded then the Department may require the permittee to conduct additional WET testing including Acute and/or Chronic tests. Additionally, the permittee may be required to perform a Toxicity Reduction Evaluation (TRE) in accordance with Department guidance. If such additional testing or performance of a TRE is necessary, the permittee shall be notified in writing by the Regional Water Engineer. The written notification shall include the reason(s) why such testing or a TRE is required.

IV PERMIT LIMITS AND MONITORING FOOTNOTES (continued)

(11) The annual average of the influent TKN values shall be reported to DEC on the January DMR. The action level is the design TKN loading of the nitrogen treatment facilities constructed to meet projected flows in the year 2045 but not the full design flow of the WPCP. If the action level is exceeded, the permittee shall evaluate alternatives for increased nitrogen treatment (projecting growth for another 30 years). An approvable engineering report detailing the evaluation and identifying the chosen alternative shall be submitted to the Department within 12 months of triggering the action level and shall contain an approvable schedule for submission of an approvable design report, plans and specifications, commencement and completion of construction.

(12) An interim total cyanide limit of 40 lb/d is in effect while the permittee conducts monitoring and WWTP upgrades, if necessary, to meet the available cyanide limit of 2.1 lb/d in accordance with the Schedule of Compliance contained in this permit.

V Long Island Sound TMDL - Nitrogen Water Quality Based Effluent Limits and Monitoring - Phase II

OUTFALL NUMBER	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001	[X] All Year [ ] Seasonal from _____ to	East River	08/01/2009	07/31/2014

PARAMETER	ENFORCEABLE EFFLUENT LIMITATIONS					MONITORING REQUIREMENTS				Foot Notes
	Type	Limitation	Units	Limitation	Units	Sample Frequency	Sample Type	Location Influent	Location Effluent	
Total Nitrogen (LISS Zone 8 + 9 Aggregate, including CSOs)	Annual Average			62,843	lbs/day	1/year	calculated		X	(1)(6)
Total Nitrogen (LISS Zone 8 + 9 Aggregate, WWTP s only)	12 Month Rolling Average			60,696	lbs/day	1/month	calculated		X	(1)(4)(7)
Total Nitrogen (LISS Zone 8 + 9 Aggregate, for CSOs only)	Annual Average			Monitor	lbs/day	1/year	calculated		X	(6)
Total Nitrogen (LISS Zone 8 WWTP Aggregate)	12 Month Rolling Average			Monitor	lbs/day	1/month	calculated		X	(2)
Total Nitrogen (LISS Zone 8 WWTP Aggregate)	Monthly average			Monitor	lbs/day	1/month	calculated		X	(2)
Total Nitrogen (LISS Zone 9 WWTP Aggregate)	12 Month Rolling Average			Monitor	lbs/day	1/month	calculated		X	(3)
Total Nitrogen (LISS Zone 9 WWTP Aggregate)	Monthly average			Monitor	lbs/day	1/month	calculated		X	(3)
Total Nitrogen from WWTP	12 Month Rolling Average			Monitor	lbs/day	1/month	calculated		X	
Total Nitrogen from WWTP	Monthly average	Monitor	mg/l	Monitor	lbs/day	1/day	calculated	X	X	(5)
Nitrogen, Ammonia (as NH_3)	Monthly average	Monitor	mg/l	Monitor	lbs/day	1/day	24 hour composite	X	X	
Nitrogen, TKN (as N)	Monthly average	Monitor	mg/l	Monitor	lbs/day	1/day	24 hour composite	X	X	
Nitrate (NO_3) as N	Monthly average	Monitor	mg/l	Monitor	lbs/day	1/day	24 hour composite	X	X	
Nitrite (NO_2) as N	Monthly average	Monitor	mg/l	Monitor	lbs/day	1/day	24 hour composite	X	X	

See FOOTNOTES on page 13.

V Long Island Sound TMDL - Nitrogen Water Quality Based Effluent Limits and Monitoring - Phase III

OUTFALL NUMBER	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001	[X] All Year [ ] Seasonal from _____ to	East River	08/01/2014	10/31/2015

PARAMETER	ENFORCEABLE EFFLUENT LIMITATIONS					MONITORING REQUIREMENTS				Foot Notes
	Type	Limitation	Units	Limitation	Units	Sample Frequency	Sample Type	Location Influent	Location Effluent	
Total Nitrogen (LISS Zone 8 + 9 Aggregate, including CSOs)	Annual Average			46,468	lbs/day	1/year	calculated		X	(1)(6)
Total Nitrogen (LISS Zone 8 + 9 Aggregate, WWTP s only)	12 Month Rolling Average			44,325	lbs/day	1/month	calculated		X	(1)(4)(8)
Total Nitrogen (LISS Zone 8 + 9 Aggregate, for CSOs only)	Annual Average			Monitor	lbs/day	1/year	calculated		X	(6)
Total Nitrogen (LISS Zone 8 WWTP Aggregate)	12 Month Rolling Average			Monitor	lbs/day	1/month	calculated		X	(2)
Total Nitrogen (LISS Zone 8 WWTP Aggregate)	Monthly average			Monitor	lbs/day	1/month	calculated		X	(2)
Total Nitrogen (LISS Zone 9 WWTP Aggregate)	12 Month Rolling Average			Monitor	lbs/day	1/month	calculated		X	(3)
Total Nitrogen (LISS Zone 9 WWTP Aggregate)	Monthly average			Monitor	lbs/day	1/month	calculated		X	(3)
Total Nitrogen from WWTP	12 Month Rolling Average			Monitor	lbs/day	1/month	calculated		X	
Total Nitrogen from WWTP	Monthly average	Monitor	mg/l	Monitor	lbs/day	1/day	calculated	X	X	(5)
Nitrogen, Ammonia (as NH_3)	Monthly average	Monitor	mg/l	Monitor	lbs/day	1/day	24 hour composite	X	X	
Nitrogen, TKN (as N)	Monthly average	Monitor	mg/l	Monitor	lbs/day	1/day	24 hour composite	X	X	
Nitrate (NO_3) as N	Monthly average	Monitor	mg/l	Monitor	lbs/day	1/day	24 hour composite	X	X	
Nitrite (NO_2) as N	Monthly average	Monitor	mg/l	Monitor	lbs/day	1/day	24 hour composite	X	X	

See FOOTNOTES on page 13.

V FOOTNOTES FOR LONG ISLAND SOUND WATER QUALITY BASED EFFLUENT LIMITS AND MONITORING

(1) The Long Island Sound Study (LISS) is currently reviewing the basis for the nitrogen reduction targets, which may result in proposed modifications to the Total Maximum Daily Load (TMDL) for Dissolved Oxygen in Long Island Sound. If the TMDL is modified and approved by EPA, the Department may reopen the permit to modify the nitrogen effluent limits in this permit to reflect the wasteload allocations (WLAs) in the revised TMDL or the permittee may request such modification.

Interim limits and a compliance schedule to meet the final Nitrogen effluent limits are included in the Consent Judgment, Index No. 04-402174, ordered February 1, 2006 and are incorporated herein. Under the Consent Judgment and this SPDES permit, these limits will be in effect until January 1, 2017. The interim limits are as follows:

Effective Date	Zone 8 + 9 Aggregate Limit (4)
2/01/06	108,375
12/01/09	101,075
7/01/10	86,375
7/01/12	77,275
8/1/14	52,275
1/1/17	44,325 (8)

(2) The LISS Zone 8 Aggregate is defined as the sum of effluent discharges from Bowery Bay, Hunts Point, Tallman Island and Wards Island WWTP s.

(3) The LISS Zone 9 Aggregate is defined as the sum of the effluent discharges from Newtown Creek and Red Hook WWTP s.

(4) The LISS Zone 8 + 9 Aggregate is defined as the sum of the Zone 8 Aggregate and one-fourth of the Zone 9 Aggregate.

(5) Total Nitrogen = Total Kjeldahl Nitrogen (TKN) + Nitrite (NO_2) + Nitrate (NO_3).

(6) Monthly average discharges from CSOs shall be calculated once per year using the approved method in Calculation of Total Nitrogen Loading from CSOs, HydroQual, September 29, 2004 and submitted in an annual report, due each April 1st. The annual average shall be reported on the April DMR and shall represent the previous calendar year. Calculation of the Zone 8 + 9 CSO Aggregate shall be the sum of the LISS Zone 8 monthly average CSO loadings plus one-fourth of the Zone 9 monthly average CSO loadings. This value will be added to the Zone 8 + 9 WWTP Aggregate for the same 12-month period to calculate the Total Nitrogen LISS Zone 8 + 9 Aggregate, including CSOs.

(7) The limit is the total Zone 8 + 9 aggregate limit of 62,843 lbs/day less the CSO Zone 8 + 9 aggregate limit of 2,021 lbs/day = 60,822 lbs/day. However, it is projected, based on information in Calculation of Total Nitrogen Loading from CSOs, HydroQual, September 29, 2004, that the CSOs will not meet their 2009 CSO Zone 8 + 9 aggregate limit and will be short about 126 lbs/day. Thus, the WWTP s will have to remove an additional offset of 126 pounds of total nitrogen, making the 2009 WWTP Zone 8 + 9 aggregate limit 60,822 - 126 = 60,696 lbs/day.

(8) The limit is the total Zone 8 + 9 aggregate limit of 46,468 lbs/day less the CSO Zone 8 + 9 aggregate limit of 1495 lbs/day = 44,975 lbs/day (rounded up 2 pounds). However, it is projected, based on information in Calculation of Total Nitrogen Loading from CSOs, HydroQual, September 29, 2004, that the CSOs will not meet their 2014 CSO Zone 8 + 9 aggregate limit and will be short about 650 lbs/day. Thus, the WWTP s will have to remove an additional offset of 650 pounds of total nitrogen, making the 2014 WWTP Zone 8 + 9 aggregate limit 44,975 - 650 = 44,325 lbs/day. The department may reopen the permit, based on new information provided by the permittee, to revise the offset.

VI MONITORING REQUIREMENTS FOR CSO REGIONAL FACILITIES

FACILITY: Flushing Bay CSO Retention Facility **Outfall No:** 010

The permittee shall monitor the following effluent overflow parameters and report the sampling results on the monthly monitoring report [(4)]. After review of the data, the Department may reopen the permit to add permit limits for these parameters at the CSO Retention Facility.

OVERFLOW PARAMETER	REPORT	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
Overflow Volume	total, per event	MG	Every 15 minutes per overflow event	Calculated/Recorded	(1)(4)
Pumped back Volume	total, per event	MG	Daily	Recorded	(4)
Retained Volume	total, per event	MG	Daily	Recorded, Totalized	(4)
CBOD, 5-day	average, per event	mg/l	1/Each day of event	Composite	(2) (4)
Total Suspended Solids	average, per event	mg/l	1/Each day of event	Composite	(2) (4)
Settleable Solids	Daily maximum	ml/l	1overflow event per quarter	Grab	(3)
Oil & Grease	Daily maximum	mg/l	1overflow event per quarter	Grab	(3)
Screenings	total, per month	cu. yds.	monthly	Calculated/Disposed	
Precipitation	total, per event	inches	Hourly/Each day of event	Auto, Recording Gauge within drainage area	(4)

FOOTNOTES:

(1) Effluent overflow shall be recorded or calculated using a hydraulic model of the sewer system that is approved by the DEC. The permittee shall submit a report, with the first annual CSO BMP report, explaining the hydraulic model calibration of the combined sewer drainage system tributary to the facility for DEC approval.

(2) Composite sample shall be a composite of grab samples, one taken every four hours during each overflow event.

(3) Grab samples are to be taken every four hours during at least one overflow event per calendar quarter regardless of whether the facility is manned.

(4) An event starts once overflow out of the CSO retention facility begins, and ends once the overflow stops.

SPECIAL CONDITIONS FOR OPERATION OF THE CSO RETENTION FACILITY

1. The facilities shall be operated in conjunction with the tributary sewer system, pump stations and WWTP, and in accordance with the approved WWOP, to maximize CSO capture.
2. The permittee shall divert rain induced combined sewage flow to the facility in accordance with the design criteria and the WWOP. The permittee shall notify the Department in writing in accordance with 6 NYCRR Part 750-2 of any changes in the operation for any reason.
3. The permittee shall not discharge from the CSO retention facility unless the tank volume is full to the estimated 28 MG of facility storage and 15 MG of inline storage and the facility cannot accept additional wastewater.
4. The contents of the CSO retention facility, (i.e. captured wastewater) shall not be delivered to the WWTP at a rate which would exceed the peak flow or loading as determined by the CSO BMP#4. The WWOP will detail operating conditions of the CSO retention facility.
5. Flow shall not be delivered to the WWTP at a rate that will cause an upset as defined 6 NYCRR Part 750-1.2(a)(94).
6. In addition to the data supplied on the monthly report, the permittee shall provide a summary of the required monitoring to be submitted annually as part of the CSO BMP report required in CSO BMP #15 of this permit. The report shall tabulate sampling results, summarize the number of overflow events, the volume of overflow during each event, volume retained and pumped to the WWTP during each event, and provide an evaluation of the performance of the facility.

VI MONITORING REQUIREMENTS FOR CSO REGIONAL FACILITIES

FACILITY: Alley Creek CSO Retention Facility

The permittee shall monitor the following effluent overflow parameters and report the sampling results on the monthly monitoring report(3). After review of the data, the Department may reopen the permit to add permit limits for these parameters at the CSO Retention Facility.

OVERFLOW PARAMETER	REPORT	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
Overflow Volume	total, per event	MG	See Footnote (4)	Calculated	(1)(3)
Pumped back Volume	total, per event	MG	Daily	Recorded, Totalized	(3)
Retained Volume	total, per month	MG	See Footnote (4)	Recorded, Totalized	(3)
CBOD, 5-day	average, per event	mg/l	1/Each day of event	Composite	(2) (3)
Total Suspended Solids	average, per event	mg/l	1/Each day of event	Composite	(2) (3)
Screenings	total, per month	cu. yds.	monthly	Calculated	
Precipitation	total, per event	inches	Hourly/Each day of event	Auto, Recording Gauge within drainage area	(3)

FOOTNOTES:
(1) Effluent overflow shall be calculated using data collected from the flow meter and the effluent weir level transmitters.
(2) Composite sample shall be a composite of grab samples, one taken every four hours during each overflow event.
(3) An event starts once overflow out of the CSO retention facility begins, and ends once the overflow stops.

SPECIAL CONDITIONS FOR OPERATION OF CSO RETENTION FACILITY

1. The facility shall be operated in conjunction with the tributary sewer system, pump stations and the WWTP to maximize CSO capture.
2. The permittee shall divert rain induced combined sewage flow to the facility in accordance with the design criteria and the WWOP. The permittee shall notify the Department in writing in accordance with 6 NYCRR Part 750-2 of any changes in the operation for any reason.
3. The permittee shall not discharge from the CSO retention facility unless the tank volume is full to the estimated 5 MG of facility storage and the facility cannot accept additional wastewater.
4. The contents of the CSO retention facility, (i.e., captured wastewater) shall not be delivered to the WWTP at a rate which would exceed the peak flow or loading as determined by the CSO BMP#4. The WWOP will detail operating conditions of the CSO retention facility.
5. Flow shall not be delivered to the WWTP at a rate that will cause an upset as defined by 6 NYCRR Part 750-1.2(a)(94).
6. If In addition to the data supplied on the monthly operating report, the permittee shall provide a summary of the required monitoring to be submitted annually as part of the CSO BMP report required in CSO BMP #15 of this permit. The report shall tabulate sampling results, summarize the number of overflow events, the volume of overflow during each event, volume retained and pumped to the WWTP during each event, and provide an evaluation of the performance of the facility.

VII BEST MANAGEMENT PRACTICES FOR COMBINED SEWER OVERFLOWS

The permittee shall implement the following Best Management Practices (BMPs). These BMPs are designed to implement operation & maintenance procedures, utilize the existing treatment facility and collection system to the maximum extent practicable, and implement sewer design, replacement and drainage planning, to maximize pollutant capture and minimize water quality impacts from combined sewer overflows. The BMPs are equivalent to the "Nine Minimum Control Measures" required under the USEPA National Combined Sewer Overflow policy.

1. **CSO Maintenance and Inspection Program** -

   (a) The permittee shall develop and implement a written maintenance and inspection program for all CSOs listed beginning on page 3 of this permit. This program shall include all regulators tributary to these CSOs. This is to insure that no discharge or leakage occurs during dry weather and that the maximum amount of wet weather flow is conveyed to the WWTP for treatment. This program shall consist of scheduled inspections with required repair, cleaning and maintenance performed as needed to prevent dry weather overflow and leakage and ensure maximum wet weather flow is conveyed in accordance with CSO BMP # 4. Inspection reports shall contain a record of visual inspections, any observed flow, incidence of rain or snowmelt, condition of equipment and work required.

   (b) The permittee shall include in the maintenance and inspection program a plan to maintain CSO tidegates to prevent infiltration of seawater into the collection system such that the WPCF influent concentration of chlorides does not exceed a twelve month rolling average of 400 mg/l. The maintenance and inspection program shall specify corrective actions to be taken within twelve months of the influent chloride exceedance of 400 mg/l.

   (c) The permittee shall include in the maintenance and inspection program a schedule for telemetering regulators and a plan to report the telemetering results. Within six months after completion of the telemetering of regulators required in the NYSDEC/NYCDEP Omnibus IV Consent Order Compliance Schedule (as noted in the outfall description page), the permittee shall record and report the number and duration of events that cause a discharge at an outfall during dry weather conditions.

   (d) CSO maintenance and inspection program reports shall be available for DEC review no later than 9 AM on the day following the day the inspection was conducted and shall be available for DEC review at the associated WWTP no later than 30 days following the inspection.

2. **Maximum Use of Collection System for Storage** - The permittee shall optimize the collection system by operating and maintaining it to minimize the discharge of pollutants from CSOs. It is intended that the maximum amount of in-system storage capacity be used (without causing service backups) to minimize CSOs and convey the maximum amount of combined sewage to the treatment plant in accordance with Item 4 below. This shall be accomplished by an evaluation of the hydraulic capacity of the system but should also include a program of flushing or cleaning to prevent deposition of solids and the adjustment of regulators and weirs to maximize storage.

3. **Maximize Flow to WWTP** – Factors cited in Item 2. above, shall also be considered in maximizing flow to the WWTP. Maximum delivery to the WWTP is particularly critical in treatment of "first-flush" flows. For each wet weather event, the treatment plant shall be physically capable of: receiving and treating a minimum of **160** MGD through the plant headworks; a minimum of **160** MGD through the primary treatment works (and disinfection works if applicable); and a minimum of **120** MGD through the secondary treatment works during wet weather. The actual process control set points may be established by the Wet Weather Operating Plan required in BMP #4. The sewer collection system and associated regulating devices shall be optimized to the extent practicable to minimize the release of combined sewer overflows. The collection system shall deliver, and the WWTP shall achieve treatment of at least an average of 2xDDWF as identified above.

   The Permittee shall satisfy this BMP through the use of Department approved CSO regulator detection installations for each CSO sewershed. Detection equipment for each installation shall have the capability of identifying the beginning and end of a CSO regulator discharge, and be capable of sending a signal during this period to the WWTP. DEP shall compare the average flow at the WWTP during this defined wet weather period and compare with the above treatment thresholds. The period of a wet-weather event shall be defined as either the beginning of a CSO discharge from CSO regulators or reaching a minimum flow rate of an average of 2xDDWF at the wastewater treatment plant, and the end as cessation of CSO discharges from CSO regulators. An approved list of regulators, monitoring protocol and wet weather event reporting to the Department, to satisfy this BMP, shall be through submission of a full scale demonstration program in accordance with the BMP Order on Consent DEC Case No. R2-20080312-141 Section 3(e). Upon termination of the BMP Order on Consent all provisions of this permit shall apply.

BEST MANAGEMENT PRACTICES FOR COMBINED SEWER OVERFLOWS-Continued

If at any time the Permittee determines that CSO monitoring has identified regulators that tip prior to the WWTP receiving and treating the minimum wet weather flow that prevents satisfying the conditions of this BMP, the Permittee shall immediately notify the Department and within 6 months of notification submit to the Department an engineering report determining the cause, and proposing a remedy with a schedule for review and approval. Alternatively, in the event that the Permittee determines in the above engineering report, and the Department agrees, that a major capital project is required to remedy the system limitations, the Permittee may propose to include a more detailed engineering evaluation and recommendation to achieve the CSO reduction equivalent to an average 2x DDWF as an element of the City-wide CSO Long Term Control Plan to be submitted by December 2017 in accordance with DEC Case No. CO2-20110512-25.

WWTP flows achieving treatment of at least an average of 2xDDWF through the period of the single event, as defined above, shall satisfy the goals of this BMP. All other CSO events shall be reported in accordance with the BMP Order on Consent until termination and included with the monthly discharge monitoring reports. CSO events that impact public health shall be reported consistent with Part 750-2.7, and any applicable Sewage Pollution Right to Know requirements.

Nothing herein shall limit the Department's authority to take appropriate action in the event the Permittee has failed to properly operate or maintain the sewage collection system or treatment works in accordance with Part 750-2.8(a). The Department recognizes and has enforcement discretion that the Permittee may at certain times claim that due to the extensive size of the sewershed and the impacts of localized conditions, the ability of the WWTP to satisfy the terms of this BMP was impacted.

4. **Wet Weather Operating Plan (WWOP)** – The permittee shall maximize treatment during wet weather events. This shall be accomplished by having a WWOP containing procedures and guidance for operating unit processes, including any regional CSO treatment/retention facilities listed in this permit. The goals of the WWOP are to provide operational guidance to plant staff for treating a minimum of wet-weather flows identified in BMP #3 above, while not appreciably diminishing effluent quality or destabilizing treatment upon return to dry weather operation. The WWOP will establish process control procedures and set points to maintain the stability and efficiency of the Biological Nitrogen Removal (BNR) process, if required, for the host WWTP.

The WWOP shall be written in accordance with the NYSDEC publication, Wet Weather Operating Practices for POTWs With Combined Sewers. The permittee shall update the WWOP and submit to Region 2 for review and approval within 6 months of the effective date of this permit. This is a one-time requirement of this permit, unless future upgrades change the treatment thresholds of the plant. If the approved wet weather operating plan (WWOP) identifies any physical limitations to meeting the flow thresholds stated above in BMP #3 Maximize Flow to the WWTP, the permittee shall submit an approvable capital compliance schedule within 6 months of DEC approval of the revised WWOP.

During periods when critical equipment for unit processes, as identified in the submitted SPDES Permit Reliability & Engineering Operations Inventory Report, are undergoing maintenance, the WWTP may be physically incapable of treating the maximum rated wet weather flows. The permittee shall notify the department of expected maintenance which may result in a bypass or other noncompliance with permit requirements in accordance with Subpart 750-2.7 Incident Reporting; (a) Anticipated Noncompliance. Should critical equipment outages exceed 180 days, then a more formal mechanism, such as an Order on Consent, is required to govern any ongoing discharges that fail to achieve the capture rates set forth in BMP #3 above. The WWOP shall define the maximum rated WWTP flow achievable when such critical equipment is out of service. Nothing set forth in this section releases the City from having to comply with the requirements of this paragraph .

The permittee shall make "best efforts" to properly schedule equipment maintenance to avoid wet weather service interruptions. "Best efforts" shall include appropriate levels of WWTP staff for maintaining and repairing critical equipment that lacks redundancy as part of the operations component of WWOPs. This includes restoring all equipment to service as quickly as practicable to comply with maximizing flow to the WWTP.

5. **Prohibition of Dry Weather Overflow** - Dry weather overflows from the combined sewer system are prohibited. The occurrence of any dry weather overflow shall be promptly abated and reported to the NYSDEC Region 2 Office within 24 hours. A written report shall also be submitted within fourteen (14) days of the time the permittee becomes aware of the occurrence. Such reports shall contain the information listed in 6 NYCRR Part 750-2.7.

6. **Industrial Pretreatment** - The approved Industrial Pretreatment Program shall consider the impacts of discharges of toxic pollutants from unregulated, relocated, or new SIUs tributary to CSOs that were not identified in the report entitled, "*CSO Abatement in the City of New York: Report on Meeting the Nine Minimum CSO Control Standards*." The approved Industrial Pretreatment Program shall consider CSOs in the calculation of local limits for indirect discharges. Discharge of persistent toxics upstream of CSOs will be in accordance with guidance under (NYSDEC Division of Water Technical and

BEST MANAGEMENT PRACTICES FOR COMBINED SEWER OVERFLOWS-Continued

Operational Guidance Series (TOGS) 1.3.8, New Discharges to POTWs. For industrial operations characterized by use of batch discharge, consideration shall be given to the feasibility of a schedule of discharge during conditions of no CSO. For industrial discharges characterized by continuous discharge, consideration must be given to the collection system capacity to maximize delivery of waste to the treatment plant. Non-contact cooling water should be excluded from the combined system to the maximum extent practicable. Direct discharges of cooling water must apply for a SPDES permit. To the maximum extent practicable, consideration shall be given to maximize the capture of industrial waste containing toxic pollutants and this wastewater should be given priority over residential/commercial service areas for capture and treatment by the POTW. These factors shall be considered in the location and siting of new industrial users with preference to service by areas not tributary to CSOs or having sufficient capacity to deliver all industrial wastewater during all conditions to the POTW.

7. **Control of Floatable and Settleable Solids** - The discharge of floating solids, oil and grease, or solids of sewage origin which cause deposition in the receiving waters, is a violation of the NYS Narrative Water Quality Standards. The permittee shall implement the following best management practices in order to eliminate or minimize the discharge of these substances:

   a. **Catch Basin Repair and Maintenance** - The permittee shall inspect each catch basin in the tributary collection system a minimum of once every 36 months in accordance with a schedule to be outlined in the first annual CSO BMP report. Catch basins will be cleaned as required based on these inspections and in accordance with the permittee's criteria for catch basin cleaning. The permittee shall replace missing or damaged catch basin hoods within 90 days after the date of inspection for basins known to be hooded upon completion of the catch basin hooding program. For all future basins found by inspection to require extensive repairs before a hood can be installed, the permittee shall repair and install a hood within 24 months.

   b. **Booming, Skimming and Netting** - The permittee shall operate and maintain the floatable containment boom (or floatable containment netting) as applicable for the CSO outfalls listed in this permit. The in-water containment boom shall be inspected within 48 hours of a confirmed CSO event and, if necessary, cleared of floating debris. The permittee shall visually inspect floatable containment netting on a weekly basis and shall replace damaged or full netting bags as necessary.

   c. **Institutional, Regulatory, and Public Education** -Within 24 months of the effective date of this permit, the permittee shall submit a report that examines institutional, regulatory, and public education programs to reduce the generation floatable litter as identified in the NYCDEP Phase I City-Wide Floatable Study. The report should examine programs within the City's legal authority and recommend alternatives, and an implementation schedule that will reduce the water quality impacts of street and toilet litter. Upon approval by the Department the schedule shall become a requirement of this permit.

   The permittee may submit an application to the Department for an alternative implementation schedule for Items 7. a. and b. for combined sewered areas that are tributary to a permanent land based CSO abatement and treatment facility designed a permitted by the Department for control of floatables.

8. **Combined Sewer System Replacement** - Replacement of combined sewers shall not be designed or constructed without an approved drainage plan signed by the Department Of Health. When replacement of a combined sewer is necessary it shall be replaced by separate sanitary and storm sewers to the greatest extent possible. These separate sanitary and storm sewers shall be designed and constructed simultaneously but without interconnections to maximum extent practicable. When combined sewers are replaced, the design should contain cross sections which provide sewage velocities which prevent deposition of organic solids during low flow conditions to the maximum extent practicable.

9. **Combined Sewer/Extension** - Combined sewer/extension, when allowed should be accomplished using separate sewers. These sanitary and storm sewer extensions shall be designed and constructed simultaneously but without interconnections. No new source of storm water shall be connected to any separate sanitary sewer in the collection system. If separate sewers are to be extended from combined sewers, the permittee shall demonstrate the ability of the sewerage system to convey, and the treatment plant to adequately treat, the increased dry-weather flows. Upon written notification by the Region 2 Regional Water Engineer, the permittee shall assess the effects of the increased flow of sanitary sewage or industrial waste, on the frequency, flow and pollutant loading on the CSOs including the impacts on the receiving water quality and usage. This assessment should use techniques such as collection system and water quality modeling contained in the Water Environment Federation Manual of Practice FD-17 Combined Sewer Overflow Pollution Treatment.

BEST MANAGEMENT PRACTICES FOR COMBINED SEWER OVERFLOWS-Continued

10. **Sewer Connection & Extension Prohibitions** - If, there are documented, recurrent instances of sewage backing up into house(s) or discharges of raw sewage onto the ground surface from surcharging manholes, the permittee shall, upon letter notification from DEC, prohibit further connections that would make the surcharging/back-up problems worse. Wastewater connections to the combined sewer system downstream of the last regulator or diversion chamber are prohibited.

11. **Septage and Hauled Waste** - The discharge or release of septage or hauled waste upstream of a CSO is prohibited.

12. **Control of Run-off** - All sewer certifications for new development shall be consistent with NYCDEP rules and regulations and shall require on-site detention or retention to not exceed the existing sewers fronting the property. Only allowable flow will be permitted to discharge into the combined or storm sewer system.

13. **Public Notification** -
    a. The permittee shall install and maintain identification signs at all CSO outfalls owned and operated by the permittee as listed on the Additional Combined Sewer Outfall page(s) of this permit. The permittee shall place the signs at or near the CSO outfalls and ensure that the signs are easily readable by the public. The signs shall have **minimum** dimensions, information and appearance as specified in the Discharge Notification Requirements page of this permit.

    b. The permittee shall implement a public notification program to inform citizens of the location and occurrence of CSO events. As long as the Department of Health provides a public notification program, the permittee may submit a summary of the DOH program in the annual BMP report, rather than developing their own program. The program shall include a mechanism (public media broadcast, standing beach advisories, newspaper notice etc.) to alert potential users of the receiving waters affected by CSOs and a system to determine the nature and duration of conditions that are potentially harmful to users of these receiving waters due to CSOs.

14. **Characterization and Monitoring** - The permittee shall characterize the combined sewer system, determine the frequency of overflows, and identify CSO impacts in accordance with Combined Sewer Overflows, Guidance for Nine Minimum Controls, EPA, 1995, Chapter 10. These are minimum requirements, more extensive characterization and monitoring efforts which may be required as part of the Long Term Control Plan.

15. **Annual report** - The permittee shall submit an annual report summarizing implementation of the above best management practices (BMPs). The report shall list existing documentation of implementation of the BMPs and shall be submitted by May 1st of each year to the offices listed on the Recording, Reporting and Additional Monitoring page of this permit. Examples of recommended documentation of the BMPs are found in Combined Sewer Overflows, Guidance for Nine Minimum Controls, EPA, 1995. The actual documentation shall be stored at a central location and be made available to DEC upon request.

VIII LONG-TERM CONTROL PLAN

Operation of all combined sewer overflows in this permit shall comply with the water quality standards for: settleable solids, pathogens, bacteria, and floatables. Any existing violations of these standards are addressed by compliance with the terms of Consent Order C02-20110512-25. The terms of that Consent Order set forth the shortest reasonable time to attain compliance with applicable limitations, applicable water quality standards, or other applicable requirements for these or other parameters. This provision does not preclude DEP from seeking a variance from a Water Quality Based Effluent Limit or a Water Quality Standard revision, or preclude DEP from operating CSOs in accordance with a lawfully issued variance or in compliance with a lawfully revised Water Quality Standard. Modifications to the CSO Order on Consent will be publicly noticed for review and comment in accordance with Uniform Procedures Regulations, 6 NYCRR Part 621.7.

IX STORM WATER POLLUTION PREVENTION PLAN FOR POTWs WITH STORMWATER OUTFALLS

1. General - Stormwater discharges associated with industrial activity at POTWs with design flows at or above 1 MGD are required to obtain coverage under a SPDES permit.

The permittee is required to develop, maintain, and implement a Storm Water Pollutant Prevention Plan (SWPPP) to prevent releases of significant amounts of pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and other stormwater discharges including, but not limited to, drainage from raw material storage.

The SWPPP shall be documented in narrative form and shall include the 13 minimum elements below and plot plans, drawings, or maps necessary to clearly delineate the direction of stormwater flow and identify the conveyance, such as ditch, swale, storm sewer or sheet flow, and receiving water body. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the SWPPP and may be incorporated by reference. A copy of the current SWPPP shall be submitted to the Department as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized Department representatives upon request.

2. Compliance Deadlines - The Permittee has prepared a SWPPPP for this facility and received Department approval by letter dated April 26, 2006.

The SWPPP shall be reviewed annually and shall be modified whenever: (a) changes at the facility materially increase the potential for releases of pollutants; (b) actual releases indicate the SWPPP is inadequate, or (c) a letter from the Department identifies inadequacies in the SWPPP. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. All SWPPP revisions (with the exception of minimum elements - see item (4.B.) below) must be submitted to the Regional Water Engineer within 30 days. Note that the permittee is not required to obtain Department approval of SWPPP modification (or of any minimum elements) unless notified otherwise. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines unless a new deadline is set explicitly by such permit modification or renewal.

3. Facility Review - The permittee shall review all facility components or systems (including but not limited to material storage areas; in-plant transfer, process, and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where materials or pollutants are used, manufactured, stored or handled to evaluate the potential for the release of pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. The relative toxicity of the pollutant shall be considered in determining the significance of potential releases.

The review shall address all substances present at the facility that are identified in Tables 6-10 of SPDES application Form NY-2C (available at *http://www.dec.state.ny.us/website/dcs/permits/olpermits/form2c.pdf*) as well as those that are required to be monitored by the SPDES permit.

4. A. 13 Minimum elements - Whenever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify Best Management Practices (BMPs) that have been established to prevent or minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider good industry practices and, where appropriate, structural measures such as secondary containment and erosion/sediment control devices and practices. USEPA guidance for development of minimum elements of the SWPPP and BMPs is available in *Developing Your Stormwater Pollution Prevention Plan – A Guide for Industrial Operators*, February 2009, EPA 833-B-09-002. At a minimum, the plan shall include the following elements:

1. Pollution Prevention Team
2. Reporting of BMP Incidents
3. Risk Identification & Assessment
4. Employee Training
5. Inspections and Records
6. Security
7. Preventive Maintenance
8. Good Housekeeping
9. Materials/Waste Handling, Storage, & Compatibility
10. Spill Prevention & Response
11. Erosion & Sediment Control
12. Management of Runoff
13. Street Sweeping

STORM WATER POLLUTION PREVENTION PLAN FOR POTWs WITH STORMWATER OUTFALLS-Continued

Note that for some facilities, especially those with few employees, some of the above may not be applicable. It is acceptable in these cases to indicate "Not Applicable" for the portion(s) of the SWPPP that do not apply to your facility, along with an explanation, for instance if street sweeping did not apply because no streets exist at the facility.

B. Stormwater Pollution Prevention Plans (SWPPPs) Required for Discharges of Stormwater From Construction Activity to Surface Waters - As part of the erosion of and sediment control element, a SWPPP shall be developed prior to the initiation of any site disturbance of one acre or more of uncontaminated area. Uncontaminated area means soils or groundwater which are free of contamination by any toxic or non-conventional pollutants identified in Tables 6-10 of SPDES application Form NY-2C. Disturbance of any size contaminated area(s) and the resulting discharge of contaminated stormwater is not authorized by this permit unless the discharge is under State or Federal oversight as part of a remedial program or after review by the Regional Water Engineer; nor is such discharge authorized by any SPDES general permit for stormwater discharges. SWPPPs are not required for discharges of stormwater from construction activity to groundwaters.

The SWPPP shall conform to the *New York Standards and Specifications for Erosion and Sediment Control* and *New York State Stormwater Management Design Manual*, unless a variance has been obtained from the Regional Water Engineer, and to any local requirements. The permittee shall submit a copy of the SWPPP and any amendments thereto to the local governing body and any other authorized agency having jurisdiction or regulatory control over the construction activity at least 30 days prior to soil disturbance. The SWPPP shall also be submitted to the Regional Water Engineer if contamination, as defined above, is involved and the permittee must obtain a determination of any SPDES permit modifications and/or additional treatment which may be required prior to soil disturbance. Otherwise, the SWPPP shall be submitted to the Department only upon request. When a SWPPP is required, a properly completed *Notice of Intent* (NOI) form shall be submitted (available at *www.dec.state.ny.us/website/dow/toolbox/swforms.html*) prior to soil disturbance. Note that submission of a NOI is required for informational purposes; the permittee is not eligible for and will not obtain coverage under any SPDES general permit for stormwater discharges, nor are any additional permit fees incurred. SWPPPs must be developed and submitted for subsequent site disturbances in accordance with the above requirements. The permittee is responsible for ensuring that the provisions of each SWPPP is properly implemented.

X MERCURY MINIMIZATION PROGRAM – High Priority POTWs

1. **General** - The permittee shall develop, implement, and maintain a Mercury Minimization Program (MMP). The MMP is required because the 50 ng/L permit limit exceeds the statewide water quality based effluent limit (WQBEL) of 0.70 nanograms/liter (ng/L) for Total Mercury. The goal of the MMP will be to reduce mercury effluent levels in pursuit of the WQBEL. Note – The mercury-related requirements in this permit conform to the mercury Multiple Discharge Variance specified in NYSDEC policy *DOW 1.3.10*.

2. **MMP Elements** - The MMP shall be documented in narrative form and shall include any necessary drawings or maps. Other related documents already prepared for the facility may be used as part of the MMP and may be incorporated by reference. As a minimum, the MMP shall include an on-going program consisting of: periodic monitoring designed to quantify and, over time, track the reduction of mercury; an acceptable control strategy for reducing mercury discharges via cost-effective measures, which may include more stringent control of tributary waste streams; and submission of periodic status reports.

A. Monitoring - The permittee shall conduct periodic monitoring designed to quantify and, over time, track the reduction of mercury. All permit-related wastewater and stormwater mercury compliance point (outfall) monitoring shall be performed using EPA Method 1631. Use of EPA Method 1669 during sample collection is recommended. Unless otherwise specified, all samples shall be grabs. Monitoring at influent and other locations tributary to compliance points may be performed using either EPA Methods 1631 or 245.7. Monitoring of raw materials, equipment, treatment residuals, and other non-wastewater/non-stormwater substances may be performed using other methods as appropriate. Monitoring shall be coordinated so that the results can be effectively compared between internal locations and final outfalls. Minimum required monitoring is as follows:

i. Sewage Treatment Plant Influent & Effluent, and Type II SSO Outfalls - Samples at each of these locations must be collected in accordance with the minimum frequency specified on the mercury permit limits page.
ii. Key Locations in the Collection System and Potential Significant Mercury Sources - The minimum monitoring frequency at these locations shall be semi-annual. Monitoring of properly treated dental facility discharges is not required.
iii. Hauled Wastes - Hauled wastes which may contain significant mercury levels must be periodically tested prior to acceptance to ensure compliance with pretreatment/local limits requirements and/or determine mercury load.
iv. Additional monitoring must be completed as may be required elsewhere in this permit or upon Department request.

B. Control Strategy - An acceptable control strategy is required for reducing mercury discharges via cost-effective measures, including but not limited to more stringent control of industrial users and hauled wastes. The control strategy will become enforceable under this permit and shall contain the following minimum elements:

i. Pretreatment/Local Limits - The permittee shall evaluate and revise current requirements in pursuit of the goal.
ii. Periodic Inspection - The permittee shall inspect users as necessary to support the MMP. Each dental facility shall be inspected at least once every five years to verify compliance with the wastewater treatment operation, maintenance, and notification elements of 6NYCRR Part 374.4. Other mercury sources shall also be inspected once every five years. Alternatively, the permittee may develop an outreach program which informs these users of their responsibilities once every five years and is supported by a subset of site inspections. Monitoring shall be performed as above.
iii. Systems with CSO & Type II SSO Outfalls - Priority shall be given to controlling mercury sources upstream of CSOs and Type II SSOs through mercury reduction activities and/or controlled-release discharge. Effective control is necessary to avoid the need for the Department to establish mercury permit limits at these outfalls.
iv. Equipment and Materials – Equipment and materials which may contain mercury shall be evaluated by the permittee and replaced with mercury-free alternatives where environmentally preferable.

C. Semiannual Status Report – A semiannual status report shall be submitted to the Regional Water Engineer and to the Bureau of Water Permits summarizing: (a) all MMP monitoring results for the previous six months; (b) a list of known and potential mercury sources; (c) all action undertaken pursuant to the strategy during the previous six months; (d) actions planned for the upcoming six months; and, (e) progress toward the goal. The first semiannual status report is due six months after the permit is modified to include the MMP requirement and follow-up status reports are due every six months thereafter. A file shall be maintained containing all MMP documentation, including the dental forms required by 6NYCRR Part 374.4, which shall be available for review by NYSDEC representatives. Copies shall be provided upon request.

3. **MMP Modification** - The MMP shall be modified whenever: (a)changes at the facility or within the collection system increase the potential for mercury discharges; (b) actual discharges exceed 50 ng/L; (c) a letter from the Department identifies inadequacies in the MMP; or, (d) pursuant to a permit modification.

XI FLOW MANAGEMENT

(1) Flow Management Plan

(i) Within 180 days of when the permittee determines- in accordance with paragraph 2 that the annual average flow value for a calendar year to the Tallman Island WWTP has reached or exceeded **76** mgd (95 percent of that WWTP 's 12-month rolling average permitted flow), the permittee shall submit to the regional water engineer a flow management plan to identify and implement reductions in hydraulic loading to the WWTP or failing that, approvable engineering reports, plans and specifications and/or capital improvements as necessary to stabilize annual average flows below the WWTP design flow. This plan shall be certified by a professional engineer licensed to practice in the State of New York and endorsed by the chief fiscal officer of the municipality. The provisions of the plan may reflect new efforts or may refer to existing, ongoing efforts. The flow management plan shall, at a minimum, include provisions for:

(a) A statement to the effect that the permittee has the authority in all parts of the WWTP service area to implement or cause to be implemented the provisions of this section or, if the permittee does not have such authority, a proposed schedule, not to exceed three years, to obtain such authority or a statement from the permittee's designated legal representative that existing law precludes the permittee from obtaining such authority;

(b) An inventory of all known facilities/projects that have applied to connect to the sewer system and a determination if there is capacity for connec-tion;

(c) A schedule of implementation for all flow reduction measures identified herein;

(d) A map delineating the service area as defined; and

(e) A description of information that will be reported during implementation of the plan to the regional water engineer and a schedule for such reporting.

(ii) The flow management plan required by subparagraph (i) of this paragraph shall also include provisions for implementation of any or all of the following that are necessary to stabilize influent flows below design flows:

(a) Water conservation measures to reduce customer usage by measures including but not limited to customer metering, meter calibration, retrofitting existing plumbing fixtures with water conservation fixtures and revision of water rate structures;

(b) Reduction of infiltration and inflow through continuous measures including but not limited to sewer system metering, evaluation and rehabilitation, removal of roof leaders and footing drains from separate sanitary sewers and installation of separate storm sewers;

(c) Prevention of future sources of infiltration and inflow where feasible through measures including but not limited to implementation of standards for sewer installation and requirements to provide for adequate drainage from roof leaders and footing drains in new construction;

(d) Measures to maximize sewer system and sewage treatment works capacity at a minimum cost; and/or

(e) Approvable engineering reports and/or plans and specifications to assure annual average flows do not exceed 95 percent of the WWTP 12-month rolling average permitted flow.

(f) Capital improvements necessary to assure annual average flows do not exceed 95 percent of the WWTP treatment plant design flow.

(iii) Within 90 days of submittal to the regional water engineer of the plan required under subparagraphs (i) and (ii) of this paragraph, the permittee shall begin to implement the provisions of said program in accordance with the proposed schedule or cause the provisions of said program to be implemented by another party.

FLOW MANAGEMENT-Continued

(iv) The regional water engineer may object to the plan, or implementation of the plan, submitted in accordance with subparagraph (i) and (ii) of this paragraph if the plan does not provide for substantive and effective measures to reduce hydraulic loading to the WWTP . Within 90 days of receipt of written notification from the regional water engineer documenting the aspects of the plan that must be revised, the permittee shall submit a revised plan that addresses the department's objection(s).

(2) Annual Certification. The permittee shall certify in writing to the department as an attachment to it's February Discharge Monitoring Report that the municipality is complying with the provisions of this section and, if applica-ble, is complying with the implementation schedule in the program adopted in accordance with paragraph 1 or if such compliance certification cannot be provided to the department, satisfac-tory explanation for deviation from the provisions of this section must be provided.

The annual certification will include the calculated annual average flow value for the preceding 12 months. If the annual average flow value is below **76** mgd (95 percent of the WWTP 's 12-month rolling average permitted flow), the permittee may discontinue the flow management plan.

(3) Rescission of Plan Requirements or Moratoria. The regional water engineer may rescind or hold in abeyance any or all of the conditions imposed under this section provided the permittee can demonstrate to the satisfaction of the department that:

(i) The conditions were implemented on the basis of erroneous data; or

(ii) The situation that gave rise to the imposition of the conditions has been adequately addressed; or

(iii) There is an existing or potential public health nuisance or hazard as determined by the state Department of Health, that is best remediated by rescinding or holding in abeyance the conditions; or

(iv) All compliance conditions in a SPDES permit or a judicially or administratively imposed order have been or will be met;

(4) Violations of Permit Limits. Compliance with this section does not, in any way, shield the permittee from enforcement actions for violations of SPDES permit limits.

(5) The regional water engineer may, by written approval, upon adequate demonstration of compelling need, allow for relaxation of schedules contained in this section.

XII UNTREATED DISCHARGES

1. Reporting
All bypasses, treatment reductions, process upsets and chlorination interruptions shall be reported to NYSDEC and responded to in the following manner:

a. During normal working hours, Monday through Friday, except holidays, from 8 AM to 5 PM all events must be called into the Region 2 Office (Water Program) at (718) 482-4933. At all other times notification shall be made through the 24-hour DEC Spills Hotline at (800) 457 7362.
Note, prior approval from the DEC continues to be required for all anticipated events.

b. For discharges that would affect bathing areas during the bathing season (May 15 to September 30), shellfishing areas or public drinking water intakes, the permittee shall, within two hours of confirmation by DEP or its contractors, report orally as specified above in Section 1.a any discharge of untreated or partially treated sewage, except a discharge due to a properly operating, wet weather combined sewer overflow or a discharge in accordance with a department approved plan for managing wastewater. Such a report shall include:

i. A brief description of the incident;

ii. The location of the incident;

iii. The estimated volume and characteristics of the discharge at the time of the oral report;

iv. A brief description of the measures taken to end the incident; and

v. An estimate when the incident will be over and the total expected volume of the discharge.

c. For all discharges not covered in Section 1.b above, DEP shall report non-compliance as prescribed in 6 NYCRR Part 750-2.7.

d. Unless otherwise authorized by DEC, Region 2 Regional Water Engineer, the permittee shall ensure that corrective work for all bypasses, treatment reductions, process upsets and chlorination interruptions is performed on a 7 day per week, 24 hour per day basis.

e. Unless otherwise authorized by DEC, Region 2 Regional Water Engineer, the permittee shall provide continuous chlorination for all planned and unplanned bypasses in areas of open shellfish harvest and shellfish relay areas and bathing areas during the bathing season (May 15 to September 30).

f. For all unplanned bypasses which meet the chlorination criteria described in Section 1.e where it is anticipated abatement will require in excess of 24 hours, chlorination shall be initiated within 24 hours and shall proceed concurrently with abatement activities.

g. DEC reserves the right to require chlorination in areas which does not meet the chlorination criteria described in Section 1.e.

h. This provision supplements 6NYCRR Part 750-2.7 regarding bypasses.

1. At least 45 days before the initiation of an anticipated bypass or treatment reduction necessitated by construction or reconstruction of sewage treatment works, the permittee must provide the following to the Regional Water Engineer, USEPA and IEC:

(i) A demonstration that the bypass or treatment reduction is unavoidable and there are no feasible alternatives such as the use of auxiliary treatment facilities or retention of wastewater. Cost alone will not be sufficient reason to reject an alternative.

(ii) Document that the bypass or treatment reduction is a mitigating action which, over a subject period of time, will result in a lesser discharge of pollutants than otherwise would be the case.

UNTREATED DISCHARGES-Continued

(iii) Provide a plan identifying all work to be accomplished, work locations, crew size for each area and the number of hours needed to complete each task.

(iv) Include a schedule, critical path method or bar chart format, with milestone events and time required to complete each activity. The schedule must be based on continuous round the clock work occurring concurrently at all possible sites.

2. Where concurrent work is not possible, justification must be provided. If the requested bypass or treatment reduction is found acceptable and written approval is received, a written confirmation of the schedule and staffing requirements shall be obtained from any contractor utilized to perform the work at least 24 hours before beginning work and a copy maintained at the work site.

2. Abatement Procedures

For all dry weather discharges, in any drainage basin, DEP shall be required to submit schedules as follows, and then take the following actions, according to the timetable provided for in the schedules required below:

a. within 30 days of the discovery of a previously unidentified dry weather discharge, permittee shall provide DEC with a schedule in writing for conducting the necessary investigative work to determine the source of the discharge, and for proposing an abatement program. This is to be known as the "Phase I Schedules". A dry weather discharge is defined as a discharge that contains visible sanitary material and/or exceeds a fecal coliform level of 800 FC/100 ml, BOD of 30 mg/L and Suspended Solid level of 30 mg/L. Unless DEC disapproves of the Phase I Schedule in writing within 15 days of receipt of the schedule, or unless DEC informs permittee in writing that it will require a specified additional period of time to complete its review, the schedule shall be deemed approved by DEC.

b. on or before the end date of the schedule submitted in Phase I, permittee shall submit to DEC in writing an abatement program, with milestone dates, to abate the dry weather discharge. This is to be known as the "Phase II Schedule". Unless DEC disapproves of the Phase II schedule in writing within 15 days of receipt of the schedule, or unless DEC informs permittee in writing that it will require a specified additional period of time to complete its review, the schedule shall be deemed approved by DEC.

c. on or before the scheduled date for completion of each abatement program, permittee shall provide DEC with written certification of the completion of such program, or the current status of each program and the expected completion date.

d. within 30 days of discovering an untreated dry-weather discharge from a known permittee-owned sewer system outfall, permittee shall provide chlorination of untreated discharges in the following manner, unless otherwise authorized by DEC, Region 2. One basis upon which DEC Region 2 shall authorize no or limited chlorination shall be the impracticability of such chlorination based upon low or intermittent flow from any outfall or the unprotected nature of the outfall or public safety.

e. For discharges into waters classified as "SA" and all adjacent waterways within 2 miles thereof, year-round chlorination must be provided for all untreated dry weather discharges from known permittee-owned sewer system outfalls that exhibit fecal coliform contamination levels of at least 800 FC/100 ml and a flow of at least 50,000 gallons per day.

i. For untreated discharges into waters classified as "SB" and all adjacent waterways within 2 miles thereof (except those into waters dealt with in the immediately following paragraph), seasonal chlorination (May 15th through September 30th) must be provided for all untreated dry weather discharges from known permittee-owned sewer system outfalls that exhibit fecal coliform contamination levels of at least 800 FC/100 ml and a flow of at least 50,000 gallons per day.

ii. For outfalls within 500 feet of a New York City-designated bathing beach, year-round chlorination must be provided for all untreated dry weather discharges from known permittee-owned sewer system outfalls.

iii. For all other waterways, a seasonal chlorination must be provided for all untreated dry weather discharges from known permittee-owned sewer system outfalls that exhibit fecal coliform contamination levels of at least 800 FC/100 ml and a flow of at least 0.1 MGD.

UNTREATED DISCHARGES-Continued

f. In the event the abatement of a dry weather discharge cannot be completed unless permittee obtains relief from the New York City Environmental Control Board, the milestone date for such discharge shall be extended for the period of time the enforcement action is pending, so long as permittee diligently prosecutes such action.

g. Permittee shall be entitled to seek an extension of the Phase I and Phase II schedules. In seeking such an extension, permittee shall state in writing, reasons justifying the extension. DEC shall not unreasonably withhold its approval of any requested extension.

3. Sentinel Monitoring

Permittee must perform a sentinel monitoring program, at 80 ambient monitoring stations as agreed upon by DEC and permittee, consisting of the following elements:

a. The baseline number and/or range for fecal coliform for each and every sampling station will be established as reported in the previous year's summary report as required in Section 3.f below.

b. Using the established base-line numbers and/or ranges, any statistically significant exceedance of a base-line number and/or range will require permittee to commence an investigation. The investigation will consist of a survey of the adjacent shoreline, to be performed within 7 dry weather working days of receipt of sampling results. If a significant number of these statistically significant exceedances are simultaneously uncovered in different sections of New York City, then the permittee may request an extension of time to perform the investigations.

c. Quarterly sampling for fecal coliform at each of the 80 monitoring stations as agreed upon by DEC and permittee must be performed, weather conditions permitting. Sampling can only be conducted after a minimum dry-weather antecedent period of 48 hours.

d. If an untreated dry weather discharge is identified, permittee must act in accordance with Section 2.a above.

e. Permittee must re-analyze the base-line numbers annually and recommend changes if necessary. DEC reserves the right to annually adjust the baseline numbers provided such adjustments are supported by data.

f. Annual reports, including but not limited to all findings, analysis, data, sample results, sampling dates, dates of corresponding shoreline surveys, and proposed changes to base-line numbers (if necessary) must be submitted to DEC by June 30th of each succeeding year.

XIII PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS

A. DEFINITIONS. Generally, terms used in this Section shall be defined as in the General Pretreatment Regulations (40 CFR Part 403). Specifically, the following definitions apply to terms used in this Section (PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS):

1. Categorical Industrial User (CIU)- an industrial user of the POTW that is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;

2. Local Limits - General Prohibitions, specific prohibitions and specific limits as set forth in 40 CFR 403.5.

3. The Publicly Owned Treatment Works (the POTW) - as defined by 40 CFR 403.3(o) and that discharges in accordance with this permit.

4. Program Submission(s) - requests for approval or modification of the POTW Pretreatment Program submitted in accordance with 40 CFR 403.11 or 403.18 and as approved by USEPA by letters dated January 26, 1987, March 25, 1991, June 19,1992, December 21, 1992, June 24, 1993, May 31, 1996, June 24, 1998, and April 26, 2000;

5. Significant Industrial User (SIU) -

   a. CIUs;

   b. Except as provided in 40 CFR 403.3(v)(3), any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) to the POTW;

   c. Except as provided in 40 CFR 403.3(v)(3), any other industrial user that contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;

   d. Any other industrial user that the permittee designates as having a reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.

6. Substances of Concern - Substances identified by the New York State Department of Environmental Conservations Industrial Chemical Survey as substances of concern.

B. IMPLEMENTATION. The permittee shall implement a POTW Pretreatment Program in accordance 40 CFR Part 403 and as set forth in the permittee's approved Program Submission(s). Modifications to this program shall be made in accordance with 40 CFR 403.18. Specific program requirements are as follows:

1. Industrial Survey. To maintain an updated inventory of industrial dischargers to the POTW the permittee shall:

   a. Identify, locate and list all industrial users who might be subject to the industrial pretreatment program from the pretreatment program submission and any other necessary, appropriate and available sources. As part of this update the permittee shall collect a current and complete New York State Industrial Chemical Survey form (or equivalent) from each SIU.

   b. Identify the character and volume of pollutants contributed to the POTW by each industrial user identified in B.1.a above that is classified as a SIU.

   c. Identify, locate and list, from the pretreatment program submission and any other necessary, appropriate and available sources, all significant industrial users of the POTW.

PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS-Continued

2. Control Mechanisms. To provide adequate notice to and control of industrial users of the POTW the permittee shall:

   a. Inform by certified letter, hand delivery courier, overnight mail, or other means which will provide written acknowledgment of delivery, all industrial users identified in B.1.a. above of applicable pretreatment standards and requirements including the requirement to comply with the local sewer use law, regulation or ordinance and any applicable requirements under section 204(b) and 405 of the Federal Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

   b. Control through permit or similar means the contribution to the POTW by each SIU to ensure compliance with applicable pretreatment standards and requirements. Permits shall contain limitations, sampling frequency and type, reporting and self-monitoring requirements as described below, requirements that limitations and conditions be complied with by established deadlines, an expiration date not later than five years from the date of permit issuance, a statement of applicable civil and criminal penalties and the requirement to comply with Local Limits and any other requirements in accordance with 40 CFR 403.8(f)(1).

3. Monitoring and Inspection. To provide adequate, ongoing characterization of non-domestic users of the POTW, the permittee shall:

   a. Receive and analyze self-monitoring reports and other notices. The permittee shall require all SIUs to submit self-monitoring reports at least every six months unless the permittee collects all such information required for the report, including flow data.

   b. The permittee shall adequately inspect each SIU at a minimum frequency of once per year.

   c. The permittee shall collect and analyze samples from each SIU for all priority pollutants that can reasonably be expected to be detectable at levels greater than the levels found in domestic sewage at a minimum frequency of once per year.

   d. Require, through permits, each SIU to collect at least one 24 hour, flow proportioned composite (where feasible) effluent sample every six months and analyze each of those samples for all priority pollutants that can reasonably be expected to be detectable in that discharge at levels greater than the levels found in domestic sewage. The permittee may perform the aforementioned monitoring in lieu of the SIU except that the permittee must also perform the compliance monitoring described in 3.c.

4. Enforcement. To assure adequate, equitable enforcement of the industrial pretreatment program the permittee shall:

   a. Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in self-monitoring reports and notices or indicated by analysis, inspection and surveillance activities. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Enforcement activities shall be conducted in accordance with the permittee's Enforcement Response Plan developed and approved in accordance with 40 CFR Part 403.

   b. Enforce compliance with all national pretreatment standards and requirements in 40 CFR Parts 406 - 471.

   c. Provide public notification of significant non-compliance as required by 40 CFR 403.8(f)(2)(viii).

   d. Pursuant to 40 CFR 403.5(e), when either the Department or the USEPA determines any source contributes pollutants to the POTW in violation of Pretreatment Standards or Requirements the Department or the USEPA shall notify the permittee. Failure by the permittee to commence an appropriate investigation and subsequent enforcement action within 30 days of this notification may result in appropriate enforcement action against the source and permittee.

5. Record keeping. The permittee shall maintain and update, as necessary, records identifying the nature, character, and volume of pollutants contributed by SIUs. Records shall be maintained in accordance with 6 NYCRR Part 750-2.5(c).

PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS-Continued

6. Staffing. The permittee shall maintain minimum staffing positions committed to implementation of the Industrial Pretreatment Program in accordance with the approved pretreatment program.

C. SLUDGE DISPOSAL PLAN. The permittee shall notify NYSDEC, and USEPA as long as USEPA remains the approval authority, 60 days prior to any major proposed change in the SLUDGE DISPOSAL plan. NYSDEC may require additional pretreatment measures or controls to prevent or abate an interference incident relating to sludge use or disposal.

D. REPORTING. The permittee shall provide to the offices listed on the Monitoring, Reporting and Recording page of this permit and to the Chief-Water Programs Branch; USEPA Region II;290 Broadway; New York, NY 10007-1966; a periodic report, that briefly describes the permittee's program activities over the previous year. This report shall be submitted to the above noted offices within 90 days of the end of the reporting period. The reporting period shall be annual with reporting period(s) ending on December 31st.

The periodic report shall include:

1. Industrial Survey. Updated industrial survey information in accordance with 40 CFR 403.12(i)(1) (including any NYS Industrial Chemical Survey forms updated during the reporting period).

2. Implementation Status. Status of Program Implementation, to include:

   a. Any interference, upset or permit violations experienced at the POTW directly attributable to industrial users.

   b. Listing of significant industrial users issued permits.

   c. Listing of significant industrial users inspected and/or monitored during the previous reporting period and summary of results.

   d. Listing of significant industrial users notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing should include for each facility the final date of compliance.

   e. Summary of POTW monitoring results not already submitted on Discharge Monitoring Reports and toxic loadings from SIUs organized by parameters.

   f. A summary of additions or deletions to the list of SIUs, with a brief explanation for each deletion.

3. Enforcement Status. Status of enforcement activities to include:

   a. Listing of significant industrial users in Significant Non-Compliance (as defined by 40 CFR 403.8(f)(2)(viii) with federal or local pretreatment standards at end of the reporting period.

   b. Summary of enforcement activities taken against non-complying significant industrial users. The permittee shall provide a copy of the public notice of significant violators as specified in 40 CFR Part 403.8(f)(2)(viii).

XIV SCHEDULES OF COMPLIANCE

The permittee shall comply with the following schedules:

a) **Total Residual Chlorine (TRC)**

Action Code	Outfall Number(s)	Compliance Action	Due Date
	001	The Permittee shall submit a Full Scale Disinfection Testing Plan that will contain a testing protocol as well as identify one WWTP at which prototype testing of the chlorination/dechlorination process and UV disinfection will be conducted.	10/01/06
		The Permittee shall commence operations of the disinfection demonstration scale studies, including side-by-side prototype testing of a UV and chlorination/dechlorination technology at one of the five BNR WWTP s (Hunts Point, Bowery Bay, Wards Island, Tallman Island and Twenty-Sixth Ward).	04/01/09
		The Permittee shall submit a report on the overall operability and observed process performance of the selected disinfection studies.	10/01/10
		The Permittee shall submit a TRC Facility Plan to the NYSDEC, for review and approval, that identifies and describes the technology(s) to be implemented at the WWTP along with the associated design parameters, costs, operating protocols, schematics, and a preliminary schedule of construction.	04/01/11
		The Permittee shall submit, for DEC review and approval, final plans and applicable specifications, as well as a final schedule of construction, for the facilities described in the approved TRC Facility Plans.	DEC approval of Facility Plan + 1 year
		The Permittee shall commence construction of the facilities described in the approved TRC Facility Plan, plans and specs, and the final schedule of construction. The schedule of construction shall, upon approval, become a part of this permit.	DEC approval of plans and specs + 1 year, but no later than 01/01/14

SCHEDULES OF COMPLIANCE-Continued

b) Available Cyanide

Action Code	Outfall Number(s)	Compliance Action	Due Date
	001	The Permittee shall conduct effluent monitoring for available cyanide at a frequency of twice per month for one year using EPA Method OIA-1677 (or equivalent) and provide written notification to the Department whether treatment system upgrades are necessary to achieve the available cyanide limitation of 2.1 lb/d. An interim total cyanide limit of 40 lb/d will be in effect as described in footnote 12 on page 10 of this permit.	EDPM + 12 mo.
		If it is determined that the WWTP can meet the available cyanide limitation of 2.1 lb/d without system upgrades, the interim limit will be suspended and the final limit will be in effect.	EDPM + 15 mo.
		If treatment system upgrades are determined necessary to meet this limit, the Permittee shall submit an approvable engineering report, plans, specifications and a schedule of construction, for the upgrades necessary to achieve the available cyanide limitation of 2.1lb/d.	EDPM + 24 mo.
		The Permittee shall commence construction of the facilities described in the approved report, plans and specifications in accordance with the approved schedule of construction.	DEC Approval of Engineering Report, Plans & specs. + 12 mo.
		The Permittee shall submit progress reports every 6 months detailing the work done in accordance with the approved engineering report and schedule of construction. The schedule of construction contained in the approved report shall, by this reference, be made part of the permit.	
		The Permittee shall complete construction and achieve the final available cyanide limitation of 2.1 lb/d in accordance with the approved schedule, but no later than **ExDP**.	

The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT", the permittee is not required to repeat the submission. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

c) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice under terms of 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
3. A description or any factors which tend to explain or mitigate the non-compliance; and
4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

d) The permittee shall submit copies of any document required by the above schedule of compliance to NYSDEC Regional Water Engineer at the location listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS **and to the Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505**, unless otherwise specified in this permit or in writing by the Department.

XV Schedule of Submittals

The permittee shall submit the following information to the Regional Water Engineer at the address listed on the Recording, Reporting and Monitoring page of this Permit, and to the Bureau of Water Permits, 625 Broadway, Albany NY 12233-3505:

a) **Short-term Hi-Intensity Sampling**

Outfall Number(s)	Required Action	Due Date	Footnote
001	Volatile Organic Compounds The permittee shall conduct sampling for the following parameters detected in the WWTP effluent and listed in the permit application. Sampling shall be twice per month for a period of 5 months. The permittee submit the results of the analyses along with the daily flow for each day sampled: Parameter — EPA Method of Analysis Required — Sample Type Methylene Chloride — 625 — 6 hr. Comp. * Toluene — 625 — 6 hr. Comp. * *Volatile organic compound samples shall be collected as a 6 hour composite of 3 grab samples, 1 taken every 3 hours. Pesticide Compounds The permittee shall conduct sampling for the following parameters detected in the WWTP effluent and listed in the permit application. Sampling shall be once per month for a period of 10 months. The permittee shall submit the results of the analyses along with the daily flow for each day sampled: Parameter — EPA Method of Analysis Required — Sample Type Aldrin — 608 — 24 hr. Comp. Heptaclor — 608 — 24 hr. Comp. After review of the results, the Department may reopen the permit to add additional limits or action levels for these parameters.	EDPM + 8 months EDPM + 18 months	1 1

b) **Total Residual Chlorine Degradation Study**

Outfall Number(s)	Required Action	Due Date	Footnote
001	The Permittee shall submit an approvable scope of work, for DEC review and approval, to evaluate the degradation of total residual chlorine (TRC) from the chlorine contact tank to the edge of the designated mixing zone for comparison to the water quality based effluent limit and standard. Following DEC approval of the scope of work, the Permittee shall conduct the TRC degradation study and submit an approvable report that describes and summarizes the work done and conclusions of the TRC degradation study. After review of the results, the Department may reopen the permit to revise the TRC limit.	EDPM + 6 months DEC Approval of the scope of work + 18 months	1

Schedule of Submittals-Continued

c) **Shoreline Survey**

Outfall Number(s)	Required Action	Due Date	Footnote
All	The permittee shall complete a Shoreline Survey of the shoreline of the City of New York as identified in consultation with DEC, and submit a report to DEC which identifies and characterizes all dry weather discharges of untreated sewage from the NYC sewer system. The permittee shall complete a Shoreline Survey of the remaining 50% of the New York City shoreline, and submit a report based on the results of these surveys.	April 1st of calendar years ending in 3 April 1st of calendar years ending in 8	

d) **Outfall Identification**

Outfall Number(s)	Required Action	Due Date	Footnote
All	The permittee shall submit an updated Outfall List report that contains all permittee owned outfall locations, dimensions, type (sanitary, combined, MS4, pump station overflows, and stormwater), latitude and longitude in degrees, minutes and seconds, reference to the nearest street location, receiving water, contributing regulators and pump stations and whether telemetry, booming or netting are installed. The report shall be submitted as a spreadsheet. Upon receipt of the report, the Department may reopen the permit to make any necessary changes to the outfall lists in the permit.	April 1st of every year	

e) **Reliability & Engineering Operations**

Action Code	Outfall Number(s)	Required Action	Due Date
	All, except MS4s	<u>Inventory</u> The permittee shall submit an approvable report which shall include the following: 1. A detailed inventory and description of all wastewater treatment equipment required to achieve a minimum of primary treatment and disinfection up to two times the permitted flow. Such equipment shall be defined as critical equipment. 2. The inventory shall at a minimum include equipment and conduits at the WWTP, and emergency power equipment at each site. 3. All inventory entries must at a minimum include date of installation and a general description including capacity, rating and size, as relevant. <u>Emergency Power Testing</u> The permittee shall implement the testing of emergency power on a load equal to that needed to achieve a minimum of primary treatment and disinfection at the WWTP on an annual basis. **The test results shall be reported as an attachment to the May Discharge Monitoring Report.**	EDPM + 1 year Once per year

Schedule of Submittals-Continued

f) **Pollutant Minimization Plan**

Outfall Number(s)	Required Action	Due Date	Footnote
001	For Bioaccumulative Chemicals of Concern (BCCs)[1] that are present at detectable levels[2] in the influent of the WWTP, as reported in the permittee's most recent annual priority pollutant scan, the permittee shall commence a 3-day high intensity monitoring program (HIM) for those parameters and submit the data to the DEC.	Upon receipt of the annual priority pollutant scan results	
	If the HIM results in detectable levels of a BCC in at least 2 of the 4 samples (priority pollutant scan and 3 samples from HIM), the permittee shall develop and submit an approvable pollutant minimization plan (PMP) to DEC for that parameter. The PMP shall contain a pollutant mass balance and source track down using the EPA Guidance Manual on the Development of Local Discharge Limitations Under the Pretreatment Program as a guideline. The PMP shall include an analysis of potential significant sources (at least 5% of the estimated headworks loading) of the pollutant including industrial and non-industrial sources, non-active hazardous waste sites, storm water runoff, and wet and dry atmospheric deposition.	Upon receipt of 2 of 4 detectable sample results for a BCC + 24 months	
	If the PMP identifies controllable sources of the pollutant, it shall include a schedule to reduce the amount of the pollutant to the maximum extent practicable. It is recommended that the PMP examine voluntary source reductions (domestic and non-domestic sources), product substitutions, and other pollutant minimization programs to reduce the pollutant loading to the system, including but not limited to the following examples: household hazardous waste collection, dental and photo processing BMPs, sewer user notification of consequences of disposing toxic substances to the sewer system, and other pollution prevention methods.		
	The schedule to reduce the amount of BCC in the influent of the treatment plant will become part of and enforceable under the SPDES permit.	Upon DEC approval of the schedule	
	[1] chlordane, DDD (aka TDE), DDE, DDT, Dieldrin, hexachlorobenzene, hexachlorobutadiene, hexachlorocyclohexane (BHC), alpha-BHC, beta-BHC, gamma-BHC, delta-BHC, mirex (dechlorane), PCBs, and toxaphene [2] Detectable levels are defined, for the purpose of this compliance schedule, as the method detection levels using EPA Methods 608, 624 and 625.		

Schedule of Submittals-Continued

g) **Municipal Separate Stormwater Sewer System (MS4) Requirements**

Action Code	Outfall Number(s)	Required Action	Due Date
	All MS4 Outfalls	Sewer Use Regulations In accordance with the time frames in the DEC-approved report, "Proposed Program and Schedule to Monitor and Control Toxicants of Concern from Industrial Facilities and Waste Handling Sties Associated with Storm Water Discharges into the MS4", the permittee shall reevaluate the need to amend NYC Sewer Use Regulations, including the use of best management practices, and if necessary submit a proposed plan in consultation with a citizen's advisory committee, along with a schedule for completion of the plan.	November 1, 2003
		Seasonal pollutant loads The permittee shall submit a Report that includes cumulative estimates of seasonal pollutant[1] loads and representative flow-weighted averages of storm water discharges from the major (36" or greater in diameter or has a drainage area of 50 acres or more) MS4 outfalls in the drainage area.	February 1, 2003
		Stormwater monitoring program The permittee shall develop, and submit to DEC for approval, a storm water monitoring program and sampling schedule, which shall be no less than once per year, for pollutants[3] identified as being present at representative MS4 outfalls in the Supplemental Discharge Characterization Report. The monitoring program shall describe the location of the representative MS4 outfalls or field screening points to be sampled, why the location is representative, the frequency of sampling, the parameters to be sampled and a description of the sampling equipment.	July 1, 2003
		Trackdown and remediation Should analysis show that any of the pollutants identified in the stormwater monitoring program are significantly[4] and repeatedly contributing to a water quality violation, then within six months of these findings the permittee must develop, and submit to DEC for approval, a trackdown program and schedule to identify the source of the discharge of these pollutants into the MS4. "Repeatedly" means a recurrence within a year.	DEC approval of monitoring program and schedule
		The permittee will propose and implement, a DEC-approved correction program to reduce the discharge of these pollutants into the MS-4, if appropriate.	Upon completion of the trackdown program
		The approved schedule in the trackdown program shall become a part of the SPDES permit.	Upon DEC approval of trackdown program

[1] BOD_5, COD, TSS, PAHs[2], dissolved phosphorus, total phosphorus, dissolved solids, total nitrogen, total ammonia plus organic nitrogen, cadmium, copper, lead, zinc, and mercury

[2] PAHs to be included are napthalene, acenapthylene, fluorene, phenathrene, anthracene, fluouranthene, pyrene, benzo(a)pyrene, indeno(1,2,3-c,d)pyrene, benzo(g,h,i)perylene, benzo-k-fluoranthene, benzo(a)anthracene, chrysene, and benzo(b)fluoranthene.

[3] Non-polar material, PCBs, tetrachloroethylene, As, Cd, Cu, Hg, Ni, and Pb.

[4] The permittee shall submit a proposal to identify "significantly contributing to a water quality violation" for DEC approval by 10/01/03. The definition of significant will be based on a multiple of baseline background data. If the identified significant violation recurs within the period of one year, then the trackdown program will be triggered.

Note: The municipal separate storm sewer system requirements contained in this SPDES permit will be superceeded upon issuance of an individual SPDES Permit that addresses the discharge of stormwater through the municipal separate storm sewer system for New York City.

Schedule of Submittals-Continued

h) **Additional MS4 Requirements**

Action Code	Outfall Number(s)	Required Action	Due Date
	All MS4s	Industrial Permits The permittee shall update and submit to DEC the inventory of industrial and waste handling facilities discharging to the MS4 that are engaged in activities specified by the SIC codes listed at 40 CFR Part 122.26 (b)(14), previously submitted. The inventory, organized by drainage area, must include the name and address of each facility along with a description that best reflects the principal products or services provided (such as a SIC code) by the facility. The inventory must also indicate which of these industrial facilities or waste handling sites are already regulated by DEP's Industrial Pretreatment Program. The permittee shall continue to implement its proposed program and schedule to monitor toxicants of concern[1] from industrial facilities and waste handling sites associated with stormwater discharges into the MS4. Assessment of Controls The permittee shall submit a report on the progress of meeting all MS4 requirements. The report must include: 1- the status of implementing and the components of the MS4 requirements 2- proposed changes to the MS4 requirements 3- revisions, if necessary, to the assessment of controls required by the MS4 requirements 4- a summary of the data, including monitoring data, that are accumulated throughout the reporting period 5- a summary describing the number and nature of enforcement actions, inspections, and public education programs 6- identification of water quality improvements or degradation, and 7- if storm water is shown to significantly contribute to the contravention of water quality standards (including on a near field basis), the permittee must submit a description of additional proposed BMPs and/or control techniques in order to reduce the discharge of pollutants form the MS4. [1] Non-polar material, PCBs, tetrachloroethylene, As, Cd, Cu, Hg, Ni and Pb.	April 4, 2003 and once every three years thereafter April 4, 2003

Note: The municipal separate storm sewer system requirements contained in this SPDES permit will be superceeded upon issuance of an individual SPDES Permit that addresses the discharge of stormwater through the municipal separate storm sewer system for New York City.

Footnotes:

1. The above actions are one time requirements. The permittee shall submit the results of the above actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT," the permittee is not required to repeat the submittal(s) noted above. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

XVI DISCHARGE NOTIFICATION REQUIREMENTS

Sign Maintenance: The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be repaired or replaced within 3 months of inspection. *Data Retention:* The permittee shall retain records for a minimum period of 5 years in accordance with 6NYCRR Part 750-1.12(b)(2) and Part 750-2.5(c)(1). These records, which include discharge monitoring reports (DMRs) and annual reports, must be retained at a repository accessible to the public. This repository shall be open to the public, at a minimum, during normal daytime business hours. The repository may be the business office, wastewater treatment plant, village, town, city, or county clerk's office, the local library, or other location approved by the Department.

XVII GENERAL REQUIREMENTS

A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through G as follows:.

B. General Conditions

1.	Duty to comply	6 NYCRR Part 750-2.1(e) & 2.4
2.	Duty to reapply	6 NYCRR Part 750-1.16(a)
3.	Need to halt or reduce activity not a defense	6 NYCRR Part 750-2.1(g)
4.	Duty to mitigate	6 NYCRR Part 750-2.7(f)
5.	Permit actions	6 NYCRR Part 750-1.1(c), 1.18, 1.20 & 2.1(h)
6.	Property rights	6 NYCRR Part 750-2.2(b)
7.	Duty to provide information	6 NYCRR Part 750-2.1(i)
8.	Inspection and entry	6 NYCRR Part 750-2.1(a) & 2.3

C. Operation and Maintenance

1.	Proper Operation & Maintenance	6 NYCRR Part 750-2.8
2.	Bypass	6 NYCRR Part 750-1.2(a)(17), 2.8(b) & 2.7
3.	Upset	6 NYCRR Part 750-1.2(a)(94) & 2.8(c)

D. Monitoring and Records

1.	Monitoring and records	6 NYCRR Part 750-2.5(a)(2), 2.5(c)(1), 2.5(c)(2), 2.5(d) & 2.5(a)(6)
2.	Signatory requirements	6 NYCRR Part 750-1.8 & 2.5(b)

E. Reporting Requirements

1.	Reporting requirements	6 NYCRR Part 750-2.5, 2.6, 2.7 & 1.17
2.	Anticipated noncompliance	6 NYCRR Part 750-2.7(a)
3.	Transfers	6 NYCRR Part 750-1.17
4.	Monitoring reports	6 NYCRR Part 750-2.5(e)
5.	Compliance schedules	6 NYCRR Part 750-1.14(d)
6.	24-hour reporting	6 NYCRR Part 750-2.7(c) & (d)
7.	Other noncompliance	6 NYCRR Part 750-2.7(e)
8.	Other information	6 NYCRR Part 750-2.1(f)
9.	Additional conditions applicable to a POTW	6 NYCRR Part 750-2.9
10.	Special reporting requirements for discharges that are not POTWs	6 NYCRR Part 750-2.6

F. Planned Changes

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
   a. The alteration or addition to the permitted facility may meet of the criteria for determining whether facility is a new source in 40 CFR §122.29(b); or
   b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, or to notification requirements under 40 CFR §122.42(a)(1); or
   c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

   In addition to the Department, the permittee shall submit a copy of this notice to the United States Environmental Protection Agency at the following address: U.S. EPA Region 2, Clean Water Regulatory Branch, 290 Broadway, 24th Floor, New York, NY 10007-1866.

G. Notification Requirement for POTWs

1. All POTWs shall provide adequate notice to the Department and the USEPA of the following:
   a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; or
   b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
   c. For the purposes of this paragraph, adequate notice shall include information on:
      i. the quality and quantity of effluent introduced into the POTW, and
      ii. any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

   POTWs shall submit a copy of this notice to the United States Environmental Protection Agency, at the following address: U.S. EPA Region 2, Clean Water Regulatory Branch, 290 Broadway, 24th Floor, New York, NY 10007-1866.

XVIII RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

A. The monitoring information required by this permit shall be summarized, signed and retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent. **Also, monitoring information required by this permit shall be summarized and reported by submitting;**

[X] (if box is checked) completed and signed Discharge Monitoring Report (DMR) forms for each 1 month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.

[ ] (if box is checked) an annual report to the Regional Water Engineer at the address specified below. The annual report is due by February 1 each year and must summarize information for January to December of the previous year in a format acceptable to the Department.

[X] (if box is checked) a monthly "Wastewater Facility Operation Report..." (form 92-15-7) within 60 days of the month following the end of the reporting period and appended to the DMR.

Send the **original** (top sheet) of each DMR page to:
Department of Environmental Conservation
Division of Water, Bureau of Water Compliance
625 Broadway, Albany, New York 12233-3506
Phone: (518) 402-8177

Send the **first copy** (second sheet) of each DMR page to:
Department of Environmental Conservation
Regional Water Engineer, Region 2
1 Hunters Point Plaza
Long Isalnd City, NY 11101-5407
Phone: (718) 482-4933

Send an **additional copy** of each DMR page to:
Interstate Environmental Commission
311 West 43rd Street, New York, NY 10036

B. Monitoring and analysis shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

C. More frequent monitoring of the discharge(s), monitoring point(s), or waters of the State than required by the permit, where analysis is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, shall be included in the calculations and recording of the data on the corresponding DMRs.

D. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

E. Unless otherwise specified, all information recorded on the DMRs shall be based upon measurements and sampling carried out during the most recently completed reporting period.

F. Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.